

LAW OFFICES

DRINKER BIDDLE & REATH LLP

SUITE 900
901 FIFTEENTH STREET, N.W.
WASHINGTON, DC 20005-2533
(202) 842-8800

PHILADELPHIA NATIONAL BANK BUILDING
1345 CHESTNUT STREET
PHILADELPHIA, PA 19107-3496
TELEPHONE: (215) 988-2700
FAX: (215) 988-2757
E-MAIL: BARNETBA@DBR.COM

SUITE 300
105 COLLEGE ROAD EAST
P.O. BOX 627
PRINCETON, NJ 08542-0627
(609) 716-6500

SUITE 300
1000 WESTLAKES DRIVE
BERWYN, PA 19312-2409
(610) 993-2200

BONNIE ALLYN BARNETT
(215) 988-2916

January 14, 1998

Ms. Joan Armstrong (3HW 11)
Civil Investigator
United States Environmental
Protection Agency
841 Chestnut Building
Phila., PA 19106

Re: Berks Landfill Superfund Site

Dear Joan:

As a follow-up to our conversation this morning, I enclose a copy of the Dick Thomas deposition transcript. As always, feel free to call with any questions. Best regards.

Very truly yours,



Bonnie Allyn Barnett

Enclosure
/jg

cc: Michael Hendershot, Esquire (w/o encl.)

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3
4 THE GLIDDEN COMPANY, et al.,
5 Plaintiffs

6 vs.

7 AMERICAN COLOR & CHEMICAL
8 CORPORATION, et al.,
9 Defendants

CIVIL ACTION - LAW

No. 94-CV-3970

10
11 Oral Deposition of DICK THOMAS
12
13

14 APPEARANCES:

15 DRINKER, BIDDLE & REATH
16 By: William V. Roeder, Esquire
17 Philadelphia National Bank Bldg.
1345 Chestnut Street
Philadelphia, PA 19107-3496

For The Glidden
Co.

18 WILLMAN & ARNOLD
19 By: Joseph D. Silvaggio, Esquire
20 Suite 705, McKnight East
700 McKnight Park Drive
Pittsburgh, PA 15237

For American Color
& Chemical Corp.

21
22
23 Berks Court Reporting Service
24 By: Lori A. Dilks, RPR
12 Pacific Avenue
25 Sinking Spring, Pennsylvania
(610) 678-9984

GC-1

APPEARANCES (Continued):

DALLER, GREENBERG & DIETRICH
By: Nancy P. Horn, Esquire
Valley Green Corporate Center
7111 Valley Green Road
Fort Washington, PA 19034

For Brush Wellman,
Inc.

RHOADS AND SINON
By: Roslyn M. Pitts, Esquire
One South Market Square
12th Floor
P.O. Box 1146
Harrisburg, PA 17108-1146

For Clements Waste
Services, Inc.

TAKEN AT:

Holiday Inn
2545 N. Fifth Street
Reading, Pennsylvania

10:15 a.m.
Tuesday,
February 20, 1996

STIPULATION: It has been stipulated by and between
counsel that they waive the sealing of the transcribed
testimony by the witness, and the filing of the original
with the Court, and all objections, except as to form,
until the time of trial.

I N D E X

WITNESS

EXAMINED BY

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Dick Thomas

Ms. Horn

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P R O C E E D I N G S

DICK THOMAS,

was called as a witness and, having been first duly sworn by the Reporter-Notary Public, was examined and testified as follows:

BY MS. HORN:

Q. Mr. Thomas, my name is Nancy Horn, and I represent Brush Wellman. They're a Defendant in this lawsuit.

A. I can't hear you.

Q. I'm Nancy Horn, and I represent Brush Wellman, and they're a Defendant in this lawsuit that we're involved in this lawsuit that we're involved in that deals with the Berks Landfill. And we're here just to ask you questions today and find out your knowledge about things that occurred at the Berks Landfill and some hauling activities and some things about your customers.

Have you ever been to a deposition before?

A. Have I ever been to the landfill before?

Q. No. A deposition like this.

A. No. No.

Q. I'll just tell you a little background, some ground rules. Whenever I ask you a question, if it's a yes or no question, give a verbal response

1 instead of a shake of the head --

2 A. Okay.

3 Q. -- so that she can take it down. And if
4 you don't hear my question ask me to repeat it;
5 otherwise, I'll assume you heard it. Is that okay?

6 A. Surely.

7 Q. If you also don't understand my question,
8 you can ask me to rephrase it or try to reword it. And
9 if you don't ask me to do that, I'll understand you've
10 heard it and understood the question. Is that okay?

11 A. That's correct.

12 Q. And if you want to take a break you can
13 take a break anytime. Just let us know, and we'll take
14 a break.

15 A. Okay.

16 Q. Mr. Thomas, are you represented by counsel?

17 A. I didn't understand. Represented by who?

18 Q. By an attorney.

19 A. No, I don't have an attorney with me. No.

20 Q. Could you state your full name?

21 A. My full name is -- I haul trash under Dick
22 Thomas Trash Removal.

23 Q. What's your personal name?

24 A. Zellous Thomas. Zellous Thomas,
25 Z-E-L-L-O-U-S.

1 Q. But you go by Dick Thomas?

2 A. Dick Thomas Trash Removal.

3 Q. And your name, you go by Dick Thomas. Is
4 that correct?

5 A. Right.

6 Q. Is there such a company as Dick Thomas
7 Refuse Disposal?

8 A. Yeah. That's the one we operate.

9 Q. Does it go by the term Dick Thomas Refuse
10 Disposal or Dick Thomas Trash Removal?

11 A. Well, we use both names, Dick Thomas Refuse
12 Disposal in some cases and then Dick Thomas Trash
13 Removal. To make it more professional, they use Dick
14 Thomas Refuse Disposal.

15 Q. What does it say on your invoices and
16 receipts and things like that?

17 A. It says on some of them Dick Thomas Refuse
18 Disposal and -- yeah, Dick Thomas Refuse Disposal;
19 that's what it says on our invoice.

20 Q. So most formal documents would say Dick
21 Thomas Refuse Disposal?

22 A. Yes.

23 Q. But if you refer to it in speaking you
24 might call it --

25 A. Yeah. And on the cards I think it says

1 Dick Thomas Trash Removal.

2 Q. Do you know if the company is incorporated
3 or registered with --

4 A. No, it is not incorporated. No.

5 Q. Do you know if it's registered at all with
6 the Bureau of Corporations?

7 A. No. It's registered with the Internal
8 Revenue; that's about it.

9 Q. What name would it --

10 A. It's registered under Dick Thomas, in care
11 of Zellous Thomas.

12 Q. Is it under Dick Thomas Refuse Disposal in
13 that registration?

14 A. Right.

15 Q. What's your present address, not the
16 company but your --

17 A. Well, right now we're running it out of my
18 home, but we're gonna move the office to 223 -- 223 Elm
19 Street. But right now we're running it out of 237 Rose
20 Street, which will only be for a couple more weeks and
21 then it'll be moved.

22 Q. So the business and your home are the same
23 address?

24 A. Right. Right now. Yes.

25 Q. And has that always been the address of --

1 A. Yes.

2 Q. -- the business since you started?

3 A. Yes, it's been the same address.

4 Q. Is the Elm Street address in Reading?

5 A. Yes, it's in Reading. Yeah.

6 Q. Will you move your residence as well?

7 A. No. Nuh-uh. Just the office is gonna
8 move, that's all.

9 Q. What's your date of birth?

10 A. December the 9th, 1938.

11 Q. What's your current title with the
12 business? Are you the president?

13 A. I own it.

14 Q. You're the owner?

15 A. Yeah.

16 Q. Do you go by any other title?

17 A. No. Nuh-uh.

18 Q. How long have you been with Dick Thomas
19 Refuse Disposal?

20 A. Ever since 1968.

21 Q. Were you the founder of Dick Thomas?

22 A. Yes.

23 Q. Do you remember the month in 1968?

24 A. No, I don't. I don't remember the month.

25 Q. How did you start your business?

1 A. With a pickup truck.

2 Q. Did you advertise, or how did you start
3 obtaining customers?

4 A. Well, I just went around from door to door
5 knocking on doors.

6 Q. Were you the sole shareholder of the
7 company at that time?

8 A. Yes.

9 Q. Are you still the sole shareholder of the
10 company?

11 A. Yes.

12 Q. Has there ever been any other partner or
13 shareholder of the company since --

14 A. No. It was just me and my wife running it.

15 Q. Is she also a shareholder, your wife?

16 A. Well, my wife is deceased.

17 Q. And when was that, sir?

18 A. Huh?

19 Q. When was that?

20 A. She deceased February 26. This March would
21 be three years, so that would be in 1990 -- go back two
22 years -- 93.

23 Q. 1993?

24 A. Yeah. She's deceased -- February 26 would
25 be three years, of this month.

1 Q. What was her name?

2 A. Elma.

3 Q. Thomas?

4 A. Right.

5 Q. Did she actually own a share of the
6 company?

7 A. Yeah. She run the company. She used to
8 do -- yeah.

9 Q. Were there any other owners of the company?

10 A. No.

11 Q. Do you have any children, sir?

12 A. Yeah.

13 Q. How many?

14 A. Seven.

15 Q. Are they grown or living with you?

16 A. They're all grown.

17 Q. Could you just give me their names, please?

18 A. Huh?

19 Q. Their names, please?

20 A. Lizzie, Kelly -- I'm jumping too far --

21 Becky, Lynne, Corene, Nicole and Brook.

22 Q. No boys?

23 A. No.

24 Q. Do they all live in the Reading area still?

25 A. No. Lizzie lives in Atlanta. All the rest

1 of them live in Reading.

2 Q. Do any of them work for your company?

3 A. Yeah. Corene and -- they all helps [sic]
4 out a little bit here and there. Right now, since
5 they're Mom passed away, they all help me with the books
6 and stuff.

7 Q. Do they get paid to help out, or do they
8 just do it as a favor?

9 A. Well, we pay them -- some we pay -- yeah,
10 they get paid.

11 Q. When you started in 1968 how many employees
12 did you have?

13 A. None.

14 Q. When did you start with your first
15 employee?

16 A. It's hard to say. I don't remember 'cause
17 I worked a long time by myself just picking up, you
18 know, here and there.

19 Q. More than ten years?

20 A. Huh?

21 Q. More than ten years that you worked by
22 yourself?

23 A. No, it wasn't that long. And some of the
24 guys that were working for me, they're deceased, too,
25 now. They're gone.

1 Q. Maybe five years by yourself?

2 A. I would say maybe a year by myself.

3 Q. Can you recall the names of your employees?

4 A. I can't remember. I had a guy by the name
5 of James Jones working for me, which he's deceased.

6 Q. When did he start there?

7 A. I don't remember when he started. He
8 started back in the '70s with me. I don't remember when
9 it was.

10 Q. How long did he work with you?

11 A. He worked with me from that day on up until
12 approximate [sic] three and a half to four years ago
13 when he deceased. He got sick. I would say about four
14 years ago he got sick, and he had to quit.

15 Q. Was he a driver for you?

16 A. No. He was just a slinger.

17 Q. I'm sorry?

18 A. No, he wasn't a driver.

19 Q. What did he do?

20 A. He was just a slinger. He was just a
21 helper.

22 Q. A slinger?

23 A. Yeah.

24 Q. What did he do in that position?

25 A. Huh?

1 Q. What did he do in that position?

2 A. Just load trash on the back of the truck.

3 Q. Can you identify any other employees that
4 you've had?

5 A. I had several guys back then.

6 Q. Can you recall any names?

7 A. Some of them I remember the names, some of
8 them I don't. You know, we went through a lot of
9 helpers, a lot of guys already. We had some -- I can't
10 remember all those guys that I had working for me back
11 then.

12 Q. Do you have an idea how many worked for you
13 in a given year?

14 A. I went through, I would say, 10 or 15
15 different guys.

16 Q. Up until the present you're talking about?

17 A. Up until now.

18 Q. Up until now?

19 A. Well, I went through more than that up
20 until now.

21 Q. So you're talking more back in the '70s?

22 A. Back in the '70s I went through quite a few
23 different guys.

24 Q. How many did you have working for you per
25 year?

1 A. Usually seven or eight guys.

2 Q. And how many of those would be drivers?

3 A. I never used no more than two drivers and
4 myself.

5 Q. And you were a driver as well?

6 A. Yeah, I was a driver, too.

7 Q. And what were the others employed for? Out
8 of the seven or eight per year, what did they do?

9 A. They'd sling.

10 Q. How many employees do you have now?

11 A. Approximately five.

12 Q. And how many of those are drivers?

13 A. Three. I have more than five. I have
14 about -- I have three drivers now, one part-time. See,
15 a lot of those guys only worked part-time for us, too;
16 that's what messes you up. Some of them only worked
17 part-time for us. Right now -- I have three part-time
18 drivers now.

19 Q. Did you have about seven or eight employees
20 per year in the '80s?

21 A. In the 80's? Yeah, somewhere like that.

22 Q. Do you remember any of their names?

23 A. Like I say, James Jones was one of them
24 and -- who else was working for us in the '80s? I would
25 say Edwin Felds.

1 Q. Could you spell that, please?

2 A. Edwin Felds, he was working for us.

3 Q. Was he a driver?

4 A. No. He was a slinger. Joseph Williams, he
5 was working for us.

6 Q. Was he a driver?

7 A. Yeah, Joseph was a driver. There's so many
8 of them guys that's part-time, it's hard to -- I don't
9 want to, you know, put the name down and they only
10 worked -- some of them only worked two weeks, some of
11 them worked three weeks, some of them worked two days.
12 You know, it just -- it was like floaters.

13 Q. I just want to know if you remember any of
14 their names.

15 A. Huh?

16 Q. I just want to know how many names you can
17 remember.

18 A. I don't know.

19 Q. Any others?

20 A. Huh?

21 Q. Any others during the '80s that you can
22 recall?

23 A. No.

24 Q. Can you just tell me who your present
25 employees are?

1 A. Now?

2 Q. Yes.

3 A. I have Edwin Felds now. And Joseph
4 Williams, he's with me yet. I have a guy by the name of
5 Charlie Price; he's there. And I have William Thomas,
6 which he goes and comes. And I have a guy by the name
7 of Troy Seiders; he's there. He goes and comes. I have
8 a couple guys that they just work for us two or three
9 days, you know, and they go. They go and come; they
10 don't stay there. They work for me for awhile, then
11 they go work for another guy for awhile, then they go --
12 come back and they go work for me for awhile and then
13 they move away. I just had one the other day leave.
14 He's in Lebanon. He worked for a year and a half, and
15 he moved back to Lebanon.

16 Q. What was his name?

17 A. Walter Winchester.

18 Q. Going back to when you started the company
19 in 1968, you said you started with a pickup truck?

20 A. Yeah.

21 Q. When did you get any other vehicle besides
22 the pickup truck?

23 A. I bought a compactor in 1968. That was the
24 first compactor I bought.

25 Q. Did you operate both trucks at the same

1 time?

2 A. Yeah. But then we got rid of the pickups.
3 After we got rid of the pickups we got dump trucks; we
4 had dump trucks.

5 Q. When did you get the dump trucks?

6 A. I don't know. I don't remember when we got
7 them. It wasn't too long -- maybe a year after I got
8 this pickup because we'd unloaded them and bought dump
9 trucks. And we had several dump trucks.

10 Q. Several?

11 A. Several of them. We must have started
12 before 1968 because that's when I bought the first
13 compactor, in 1968, so we started hauling trash before
14 then.

15 Q. Maybe in '67?

16 A. I would say in '66 or '67 because we worked
17 a couple years with nothing but dump trucks.

18 Q. So you actually started with the dump
19 trucks?

20 A. We started with the pickup truck, and I
21 worked with that for maybe a year, something like that,
22 and then I started with dump trucks. Then we worked
23 with them until 1968, and then that's when we bought
24 compactors -- started buying compactor trucks. We
25 bought one in '68. Then we bought one in '72. Then we

1 just started buying -- you know, kept adding on to them.

2 Q. How many did you have in like the mid to
3 late '70s?

4 A. In the mid '70s?

5 Q. Yeah.

6 A. We must have had at least three or four of
7 them.

8 Q. And how many compactors did you have?

9 A. Probably all of them was compactors then.

10 Q. Are the dump trucks separate from the
11 compactors?

12 A. Yeah. Once I got compactors I didn't no
13 longer have dump trucks no more. We got rid of dump
14 trucks.

15 Q. So when you're talking about after '68 --

16 A. Yeah.

17 Q. -- and increasing each couple years, you're
18 talking --

19 A. Yeah. We eliminated the dump trucks.

20 Q. You're talking about compactors then?

21 A. Yeah.

22 Q. So after '68 you didn't use dump trucks
23 anymore?

24 A. Nuh-huh. No, we didn't use no dump trucks
25 no more.

4

1 Q. So in the mid '70s you had about four
2 compactors. Is that right?

3 A. Something like that. We had three or four.

4 Q. How about the early '80s? How many
5 compactors?

6 A. In the '80s?

7 Q. Yeah.

8 A. I don't know.

9 Q. Did you get more than four?

10 A. I don't know how many we had -- I really
11 don't -- 'cause we had some, got rid of some, sold some,
12 traded some. I don't know how many -- right now I don't
13 know how many trucks I have.

14 Q. Now, besides compactors did you have any
15 other type of vehicle at any time?

16 A. Pickups.

5

17 Q. So you still use pickups?

18 A. We have -- I have about five pickups now.

19 Q. Did you have pickups after '68?

20 A. No. We got rid of all the pickups at one
21 time. I had maybe one pickup truck, and then we bought
22 more pickups.

23 Q. When did you buy more pickups?

24 A. We bought more pickups the other year --
25 about two years ago when we started getting all them big

1 snows. We started buying pickups to go in these small
2 alleys to pick up trash. We couldn't get through with
3 the compactor, so we had to buy pickup trucks to get
4 through there.

5 Q. So you really didn't have any pickup trucks
6 from '68 until a couple years --

7 A. Not really. No.

8 Q. Sorry. You just have to wait till I finish
9 the question so she can take it down. So you didn't
10 have any pickup trucks between '68 and a couple years
11 ago?

12 A. No. Well, we had one -- one or two maybe,
13 you know, just to ride around in, but we didn't have --
14 wasn't doing no business with no pickups.

15 Q. Did you have anything else, like a roll-off
16 or other kind of truck?

17 A. When?

18 Q. At any time.

19 A. We have roll-offs now.

20 Q. When did you get your roll-offs?

21 A. We had roll-offs about three or four years
22 now.

23 Q. Any other type of vehicles that you had?

24 A. When? Now?

25 Q. Now or any time since you started.

1 A. Yeah. We have roll-offs. We have
2 front-end loaders. We have luggers. We have
3 compactors. Lugger boxes we have.

4 Q. When did you get the first front-end
5 loader?

6 A. We got the first front-end loader -- well,
7 we just got that maybe six months ago.

8 Q. What's a lugger?

9 A. It's like a roll-off. It drops off boxes,
10 too.

11 Q. When did you get your first lugger?

12 A. We got that -- oh, about nine years ago we
13 got them.

14 Q. Any other types of vehicles that you use?

15 A. Just front-end loaders, roll-offs, luggers,
16 compactors, pickups. That's about it.

17 Q. Did your compactors have your name on it?

18 A. Yeah.

19 Q. Do all your vehicles have your name on it?

20 A. Yeah.

21 Q. Including the pickups?

22 A. Yeah.

23 Q. Do they say Dick Thomas Refuse Disposal?

24 A. Dick Thomas Refuse, Dick Thomas Trash.

25 Q. They can say either?

1 A. Either one of them. Some of them got that
2 on them; some of them have trash on them.

3 Q. When did you start using the term trash
4 removal instead of --

5 A. We always did use Dick Thomas Trash
6 Removal. And sometimes you set a sign out -- you have
7 it made up and the guy figures, well, trash removal -- I
8 guess that sounds a little childish to them, so they'll
9 put refuse disposal on that to make it -- you know, this
10 is back in the years when everybody was trash removal,
11 so I never bothered about changing it.

12 Q. So some of your trucks say refuse disposal?

13 A. Yeah. I'm pretty sure some of them say
14 refuse disposal on them. Some of them say trash yet on
15 them.

16 Q. And this goes back --

17 A. I would say trash on the most of them,
18 though.

19 Q. And that goes all the way back to '68 that
20 you used the term trash?

21 A. Yeah. We always used the name of Dick
22 Thomas Trash Removal, which I guess we'll drop that
23 trash removal now and put refuse disposal on.

24 Q. Do you remember when you first started
25 using the refuse disposal?

1 A. We started using trash removal.

2 Q. But when did you start using the term
3 refuse disposal?

4 A. Well, I guess when things got a little
5 modern and people started to -- everybody was a trash
6 man. It was always trash. When we had the ashes it was
7 trash man. And back in them names days everybody turned
8 their nose up to a trash man. Nobody wanted to haul
9 trash. Now everybody's in the trash business.

10 Q. Do you remember the time period, a year
11 when you started using refuse disposal?

12 A. No, I can't.

13 Q. Do you remember a decade?

14 A. Huh?

15 Q. What decade?

16 A. What decade? No, I don't remember when
17 they started using that.

18 Q. Did you have any formal education?

19 A. Huh?

20 Q. Any formal education?

21 A. No.

22 Q. What was your last year that you finished
23 in school?

24 A. I don't remember. It's been a long, long
25 time ago. See, I didn't really go. See, I only went to

5

1 about the fifth grade anyway.

2 Q. Fifth grade was probably the last year?

3 A. Yeah. That was back in -- way back then.
4 That's back in the '50s. That was a long way, before
5 you were born.

6 Q. Did you have any jobs since then?

7 A. Huh?

8 Q. Before you started the trash company --

9 A. Yeah. I used to do construction work.

10 Q. Did you work for a company?

11 A. Yeah, I worked for a lot of different
12 companies doing construction work.

13 Q. Who did you work for?

14 A. I worked for Leivick Construction. I
15 worked for Eshbach's, which they no longer exist. I
6 16 worked for Potteiger, which they're no longer in
17 business. And I worked for L. H. Focht's; they're no
18 longer in business. They built the Penn Street bridge,
19 but I didn't help build it. They used to have a big
20 picture of when they was building it in the office, but
21 that was years -- but they no longer exist either.
22 They're out of business.

23 Q. Did you work anywhere else before your
24 company started?

25 A. Back in 1955 I worked at The Reading

1 Hospital. I was an orderly over there, cleaning the
2 floors and doing that. That was back in 1955. I only
3 worked there for six months.

4 Q. How about after that?

5 A. And after that I was 16. I got working
6 papers so that I could go on construction. So I went to
7 construction. I had to have working papers in order to
8 do that, though.

9 Q. How many years did you work construction?

10 A. I worked construction a long time. I would
11 say from 1950 -- well, I worked at The Reading
12 Hospital -- well, we'll go back and say 1956 to 1957.
13 Somewhere around in that area, that's when I started
14 construction work.

15 Q. And when did you finish doing that kind of
16 work?

17 A. I stopped -- my last job in construction
18 was 1968. I used to do construction and hauled trash on
19 the side, like on the weekends and stuff like that and
20 in the evening.

21 Q. When you say haul trash on the side, you're
22 talking about for your company?

23 A. Yeah; for myself. I was working for myself
24 picking up trash. That's how I started.

25 Q. About when did you start doing that.

1 hauling trash on the side?

2 A. That's what I'm trying to figure because
3 1958 [sic] I quit construction altogether. I stopped
4 construction, and I started hauling trash.

5 Q. You said '68 or '58?

6 A. '68. That's when I bought the first
7 compactor 'cause -- that's why I say I had to be hauling
8 trash before that. See, the trash to me was a part-time
9 thing. Construction was my job and hauling trash was
10 just something that I could have -- I had seven kids and
11 I didn't have no extra money. I just had \$5 left out of
12 my pay, so I had to figure out a way that I could get
13 some more money, so I started picking up trash.

14 I bought a pickup truck, and I started
15 hauling trash in the evenings and on the side. Back
16 then I might make \$5; I might make \$10 in the evening.
17 You're only getting 50 cents a can and a quarter a can,
18 whatever you could get. Then I started on the weekend.
19 Then I started making more money on that than I was
20 making on construction so my wife told me -- she said,
21 well, you gotta give me some of that now. So I figured,
22 well, I could make more money hauling trash than I could
23 construction, so I just quit construction and started
24 hauling trash full-time.

25 Q. And that was about '68, you think?

1 A. '68 when I quit, because I remember '68
2 'cause that's when I bought the first compactor.

3 Q. Did you ever work for any other hauling
4 company before you did this on your own?

5 A. No -- well, I used to help a guy here and
6 there, you know, back in the -- I guess it was maybe 50
7 something. I don't remember. I was young then. He'd
8 give me 5 or \$10 just to help him -- \$4, whatever they
9 could afford to pay.

10 Q. You're talking about helping out with
11 compactor-type trucks?

12 A. No. Back then we didn't even know what a
13 compactor was; that was in the making. Back in the
14 '60s -- I mean '50s -- nobody never thought that we
15 would have a compactor. Compactor trucks wasn't -- they
16 didn't even exist. It was all dump trucks, pickup
17 trucks.

18 Q. Do you remember any of the companies that
19 you helped out?

20 A. No. It was just guys that, like me, that
21 was hauling trash on the weekends and doing construction
22 during the week and that was about it.

23 Q. When you first started hauling, whether
24 part-time or full-time, whatever, did you just do
25 residential?

1 A. That's all I ever did, was mostly
2 residential.

3 Q. Household?

4 A. Household trash.

5 Q. And where did you bring that trash?

6 A. Huh?

7 Q. Where did you bring that trash?

8 A. Where did I haul that trash?

9 Q. Yeah.

10 A. We hauled it to -- they called it back then
11 Benny Lombardo's Landfill.

12 Q. Is that the same landfill as the Berks
13 Landfill?

14 A. Yeah, I think that's the same one. Yeah.

15 Q. How far is that landfill from your
16 business?

17 A. Now?

18 Q. Then. Were you at 237 Rose Street then?

19 A. Yeah. It was -- Lombardo's, it's about
20 seven miles. It's the five-mile hill, then you got --
21 about seven, eight miles. It wasn't that far. Seven
22 miles, five miles.

23 Q. That was when you were at 237 Rose
24 Street --

25 A. Yeah.

1 Q. -- from the very beginning?

2 A. Yeah.

3 Q. When did you start taking anything other
4 than residential trash?

5 A. That's mostly all we ever hauled, was
6 residential.

7 Q. All the way up until now, you're talking?

8 A. Even now. We haul restaurants and that's
9 about all we ever haul.

10 Q. Did you ever haul for any kind of industry
11 or plant or company of any kind?

12 A. No, not really.

13 Q. But sometimes, maybe?

14 A. No more than Birch Craft Kitchen. We used
15 to haul for them for years, but we don't haul for them
16 no more.

17 Q. Is that a restaurant? What is that?

18 A. No. They make cabinets, kitchen cabinets.

19 Q. When did you haul for them?

20 A. We hauled for them back in the '70s.

21 Q. Could you spell that middle word? What was
22 the middle name? Berks what?

23 MR. ROEDER: Craft.

24 BY MS. HORN:

25 Q. And where did you take that waste from

1 there?

2 A. To that same landfill.

3 Q. Did you ever go to any other landfill at
4 any time other than at Ben Lombardo's?

5 A. No more when they closed that one up.

6 Q. When was that?

7 A. When they closed that landfill up.

8 Q. What year was that?

9 A. I don't know. I don't remember what year.
10 It wasn't too long ago.

11 Q. In the '80s?

12 A. Yeah, it was in the 80's. Yeah.

13 Q. Where did you go after they closed it?

14 A. We went to Pottsville, up to John Fry's.
15 We hauled up there for about two years.

16 Q. And where did you go after that?

17 A. After that we went to Pottstown to Waste
18 Management Landfill.

19 Q. Anywhere after that?

20 A. We went to -- we went to where we're going
21 to now, Birdsboro. I think they called it F & R
22 Landfill -- the Pine Grove Landfill -- no, it's not Pine
23 Grove Landfill. Down in Birdsboro. Mascaro's is
24 running it right now.

25 Q. Have you ever gone to any other landfills

1 other than those?

2 A. We went to Colebrookdale a couple times.

3 Q. And you're talking after Ben Lombardo's
4 closed?

5 A. Huh?

6 Q. Are you talking after Ben Lombardo's
7 closed?

8 A. Yeah, after Lombardo's closed.

9 Q. Any other landfills?

10 A. Nuh-uh. That's about all we went to.

11 Q. So before Ben Lombardo's landfill closed
12 that was the only landfill you went to?

13 A. No. We went to Western Berks; we hauled in
14 there. We hauled some stuff into Western Berks, we
15 hauled some into Birdsboro, and we hauled some to
16 Lombardo's.

17 Q. Do you know what time period you used to go
18 to Western Berks?

19 A. No. I don't even know.

20 Q. But that was around the same time that you
21 went to Ben Lombardo's?

22 A. Yeah. We was pulling some to -- you know,
23 depending on which one you was closer to, that's the one
24 you went to. Then after they closed up, then they
25 wouldn't let us dump at Western Berks anyway. Then we

1 had to go to Pottsville.

2 Q. When did Western Berks close?

3 A. Huh?

4 Q. When did Western Berks close?

5 A. They're still open.

6 Q. So you still go there?

7 A. No.

8 Q. No, you don't?

9 A. Nuh-uh.

10 Q. From 1966 to the year that Ben Lombardo's
11 closed, would you say that you went to Ben Lombardo's
12 more often than any other landfill?

13 A. Yes.

14 Q. If you were to say -- like out of six days
15 a week how many days a week would you go to Ben
16 Lombardo's versus, say, Western Berks or Birdsboro?

17 A. I would say we went there at least four or
18 five days. I hauled the majority of my stuff over
19 there.

20 Q. And when you first started officially, in
21 '68 full-time, about how many days a week did you do
22 hauling?

23 A. Oh, when I first started I would only haul
24 maybe -- we went from a compactor to a dump truck -- I
25 mean from a dump truck to a compactor. It used to take

1 you two days to load the thing.

2 Q. So how many days a week would you actually
3 work?

4 A. Well, we would work maybe -- I would say we
5 hauled -- when we first started we would only haul about
6 two loads or three loads a week in there. And then, you
7 know, after that the business grew; then we was pulling
8 one to two loads a day in there.

9 Q. About when did you get up to five days a
10 week that you started working?

11 A. I don't know.

12 Q. Did you ever work six or seven days a week?

13 A. Yeah, we have. I have worked seven days a
14 week, but we couldn't dump. The only time you could
15 dump was on a Saturday. Sunday they did not allow any
16 dumping.

17 Q. But you could dump during the week?

18 A. You could dump during the week. Yeah.

19 Q. So what would you do on the seventh day?
20 Just picking up?

21 A. Pick it up.

22 Q. Would you store it at your place?

23 A. No. We'd just load -- we'd unload the
24 truck like on a Saturday, and we'd load it back up on a
25 Sunday, and then it would be ready to go to the landfill

1 on a Monday. But that didn't last long because my wife
2 wouldn't let me work on Sundays; she stopped that.

3 Q. Did you ever do any disposal at night?

4 A. No.

5 Q. So could you say that you worked up to six
6 days a week during the '70s and '80s?

7 A. Yeah.

8 Q. What kind of route did you take when you
9 went -- starting in the late '60s, early '70s?

10 A. What kind of route did I take?

11 Q. Could you give a description of your route,
12 the area that you covered?

13 A. It was just all over Reading, all over the
14 City of Reading. Wherever I could pick up a barrel of
15 trash, that's where I picked it up at.

16 Q. Not counting residential, about how many
17 other places would you pick up trash in a given week?

18 A. That's all we was dumping, was residential
19 trash. We wasn't doing no commercial.

20 Q. When did you start doing the restaurants?

21 A. Well, I would say we started doing
22 restaurants in the '70s.

23 Q. About how many of those would you do a
24 week?

25 A. I don't know. I haven't the slightest

1 idea.

2 Q. Do you remember the names of any of them?

3 A. Well, we used to haul -- they were
4 called -- now they ain't even there no more. We used to
5 haul at Burger Kings. I used to haul -- well, I don't
6 haul any of them anymore. We used to haul Dempsey's,
7 but they weren't called Dempsey's restaurant then; it
8 was then called something else. We don't haul for them
9 no more. Since Dempsey's took over we don't haul any of
10 them anymore. It wasn't always that. There was another
11 name for them. I forget the name of them. I just can't
12 remember all of that.

13 Q. In some of the documents I saw a reference
14 to sawdust. Where did you pick that up at?

15 A. The sawdust?

16 Q. Yeah.

17 A. That was the stuff we got from Birch Craft
18 Kitchen.

19 Q. What else did you pick up from there?

20 A. From Birch Craft Kitchen?

21 Q. Yeah.

22 A. That was it.

23 Q. Just sawdust?

24 A. Just sawdust and cut up wood from them
25 making cabinets. They made cabinets. That was all.

1 Q. Do you remember what size container they
2 dumped their stuff in?

3 A. They didn't dump it in containers. They
4 just had them 55-gallon drums and stuff like that, and
5 we would go in and take it out like that. I was kind of
6 glad when we lost it; that sawdust used to kill us.
7 That's the only way they hauled it. Now they got
8 dumpsters in there, but we don't have it no more.

9 Q. So you took the drums from the kitchen --

10 A. Yeah, and dump them in the back of a truck
11 and that was it.

12 Q. How often would you pick up from them per
13 week?

14 A. Once a week -- I think it was once a week.
15 I don't remember. It was more -- I think it was twice a
16 week -- once a week or twice a week or something. I
17 don't remember.

18 Q. Did that range from the '70s to '80s that
19 you had them?

20 A. Yeah. We had them for quite a few years.

21 Q. Do you remember how many drums you'd pick
22 up, roughly, an average?

23 A. Sometimes we used to pick up a truck
24 load -- a whole dump truck load of that stuff.

25 Q. In all of your years going to the Ben

1 Lombardo Landfill -- and you said you went when you
2 worked six days a week -- let me step back. When you
3 said you worked about six days a week, how many days out
4 of that week would you actually go to the Ben Lombardo
5 Landfill? Was that every day?

6 A. No, we didn't dump every day. I don't
7 know. Some days we didn't dump. I don't know. See,
8 it's getting kind of cloudy there because when we first
9 started we wouldn't go to the dump sometimes for like
10 two days. And then after we started -- then we started
11 going to the dump -- I had four or five trucks running.
12 Sometimes them trucks would go to the dump at least
13 twice a day; sometimes they'd go once a day. Then we
14 were pulling five or six loads a day in there. Then
15 we'll lose a contract and then we couldn't do it.

16 See, I used to have the Borough of Saint
17 Lawrence. I had the Borough of -- the Reading Housing
18 Authority. We were pulling a lot of trash sometimes.
19 Now -- we don't have any contracts now.

20 Q. You picked up from the Reading Highway
21 [sic] Authority?

22 A. The Reading Housing Authority. I had that
23 contract for 10 or 12 years.

24 Q. During the '70s and '80s?

25 A. Well, I just lost it this year, too. I had

1 it last year, and then I lost it for a year. Then I had
2 it from last year up until -- I had it -- last year was
3 the first year -- well, the year before last I lost the
4 contract for one year, then I got it back for a year,
5 then I lost it again. But I had that contract for --
6 oh, I guess at least 10 or 12 years -- 10 years.

7 Q. This is starting in the early '80s then?

8 A. Yeah. We had it for a long time.

9 Q. What did you pick up from them?

10 A. Just house trash; that's all. We did the
11 projects and the high-rises and whatnot.

12 Q. How often would you pick up from them a
13 week?

14 A. We picked up twice a week. Thursdays
15 and -- Mondays and Thursdays.

16 Q. Do you remember how much you picked up?

17 A. We would haul at least, tonnage-wise -- I
18 have it on paper. I don't remember. We were picking up
19 at least 30 or 40 tons a week. I don't remember. I
20 have it on paper, but I don't remember how many because
21 you'd go up there with an empty truck and you'd come
22 out -- you'd go in with an empty truck and you'd come
23 out with the loaded ones, and then you'd have to go back
24 again. I was probably pulling from 10 to 12 tons on it.

25 Q. Did they ever have any kind of liquids or

1 drums of any kind?

2 A. Huh?

3 Q. Did they ever have liquids or drums in
4 their trash?

5 A. No. Just liquid.

6 Q. Liquids?

7 A. What did you say? Did they have any
8 liquids?

9 Q. Yeah, like any kind of liquids.

10 A. No, nothing but garbage. Over there it's
11 mostly rice and beans.

12 Q. Where did that waste go?

13 A. We hauled some of it to Lombardo's Landfill
14 up until he closed.

15 Q. Do you remember hauling for any
16 municipalities?

17 A. I never hauled that much from them.

18 Q. How about any hospitals?

19 A. Nope -- yes. I used to haul the rehab down
20 on Route 10, but we didn't haul nothing but trash. We
21 hauled no -- nothing but trash out of there.

22 Q. How much did you take from them?

23 A. I would say we used to take a ton a week.

24 Q. How many containers was that?

25 A. It wasn't in containers. It was just loose

1 trash they storaged [sic] in a room -- just trash that
2 they had in bags, and they just used to storage [sic] it
3 in a room until we got there.

4 Q. They didn't have dumpsters then?

5 A. They didn't have dumpsters.

6 Q. How do you know what was in the trash?

7 A. How did I know?

8 Q. Yeah.

9 A. Well, you're standing there picking up the
10 bags, and the only thing that would be in it would be
11 trash, trash and soybean -- just trash, that's all.
12 Mostly -- trash, that's all was in there.

13 Q. When you say trash, what do you mean by
14 trash?

15 A. Well, regular trash: Paper, bones of what
16 had been eaten, you know -- well, down there they didn't
17 have no bones because they didn't eat meat in there --
18 and stuff like that, just paper and trash, regular
19 trash.

20 Q. When you used to go to the Ben Lombardo
21 Landfill, the Berks Landfill, when you were there --
22 let's start back in the early '70s -- about how many
23 other trucks would be there at the same time that you
24 were there?

25 A. I don't know. They'd be coming in and

1 going out.

2 Q. Was there always another truck there,
3 though, around the same time you were there?

4 A. Sometimes and sometimes there wouldn't.
5 But one would be coming out and one would be just
6 dumping. There was a constant flow of trucks.

7 Q. Do you recall ever having to line up to get
8 in?

9 A. No, not really.

10 Q. Do you remember the other trash companies
11 that used to go there?

12 A. No. There was different guys in there. I
13 don't know. Some of them dead -- most of them dead now
14 [sic].

15 Q. I'm just going to read off a bunch of names
16 of hauling companies.

17 A. Huh?

18 Q. I'm going to read to you a bunch of names
19 of hauling companies.

20 A. Okay.

21 Q. If you could just tell me whether you've
22 even heard of that company first --

23 A. All right.

24 Q. -- when I say the name.

25 A. Sounds good.

- 1 Q. Zerbe?
- 2 A. Yes. He no longer exists.
- 3 Q. He's no longer in business?
- 4 A. Nuh-uh.
- 5 Q. Do you know when he stopped?
- 6 A. Huh?
- 7 Q. Do you know when he stopped?
- 8 A. Three or four years ago.
- 9 Q. Did you see him hauling at the Berks
- 10 Landfill?
- 11 A. Yeah, I seen him in there.
- 12 Q. What kind of vehicle did he take there?
- 13 A. He had compactors just like we did; the
- 14 same thing we had.
- 15 Q. Did you ever see him there with a roll-off
- 16 or front-end loader?
- 17 A. (Witness nods head horizontally.)
- 18 He didn't have any.
- 19 Q. That was a no? You have to say no.
- 20 A. No. No.
- 21 Q. Do you know who his customers were?
- 22 A. No. Nope.
- 23 Q. Do you remember how often you saw him at
- 24 the landfill, on average?
- 25 A. No, I don't remember how often I saw him.

1 No.

2 Q. Was it on a regular basis?

3 A. Yeah. You might see him one day and
4 then -- a lot of times I didn't go to the landfill.

5 Q. You maybe saw him there once a week?

6 A. Yeah, in some cases once a week.

7 Q. And this was during the '70s and '80s?

8 A. I don't remember what year it was.

9 Q. Do you know at all whether it was in that
10 time period?

11 A. Like I said, I don't remember what year it
12 was. It might have been in the '80s. I know it was in
13 the '80s. It had to be in the '80s.

14 Q. And this was before the Ben Lombardo
15 Landfill closed -- right --

16 A. Yeah.

17 Q. -- you had to be there. Did you ever hear
18 of Colbert?

19 A. Who?

20 Q. Colbert.

21 A. Colon?

22 Q. Colbert, C-O-L-B-E-R-T.

23 A. No. Colbert? No, I never heard of them.

24 Q. BFI?

25 A. Yeah, I heard of BFI, but I never remember

1 BFI dumping up there. Maybe they did and I didn't see
2 them, you know. They might have dumped up there. I
3 don't know.

4 Q. How about Barkman?

5 A. Who?

6 Q. Barkman.

7 A. Barkman? Yeah, I heard of Barkman, but I
8 don't know -- did he dump up there or not?

9 Q. Do you know who his customers were?

10 A. Nope.

11 Q. Do you know what kind of vehicle he drove?

12 A. Nope.

13 Q. How about Berks Disposal Service?

14 A. Who?

15 Q. Berks Disposal Service.

16 A. Berks Disposal?

17 Q. Yes.

18 A. No, I never heard of them.

19 Q. Bux-Mont?

20 A. Buck-Mont [sic]? I heard of Buck-Mont
21 [sic], but I don't know what he was hauling from or
22 where he was at. When I seen Buck-Mont [sic] it was in
23 Pottsville.

24 Q. Caterbone Refuse?

25 A. Who?

- 1 Q. Caterbone Refuse?
- 2 A. Never heard of that one.
- 3 Q. Tony Damore?
- 4 A. Yeah, I heard of Tony.
- 5 Q. Did you ever see him at the Berks Landfill?
- 6 A. Yes, I seen him up there. He no longer
- 7 exists either.
- 8 Q. I'm sorry?
- 9 A. He no longer exists either.
- 10 Q. When did you see him at Berks?
- 11 A. Well, from -- I don't know what year it
- 12 was. From time to time when we was going in there I
- 13 seen him up there.
- 14 Q. Do you remember what kind of vehicle he
- 15 drove?
- 16 A. An open-top -- like a roll-off or lugger or
- 17 something like that he has.
- 18 Q. Do you remember who his customers were?
- 19 A. Nope.
- 20 Q. Disposal World?
- 21 A. Who?
- 22 Q. Disposal World.
- 23 A. Disposal World, vaguely, but I wouldn't
- 24 want to say. I can't really say.
- 25 Q. How about George Gensemer?

1 A. George Gensemer, yeah, I knew him, too. He
2 no longer exists.

3 Q. Did you see him at the Berks Landfill?

4 A. Yeah, I used to see him up there.

5 Q. What kind of vehicle did he have?

6 A. He had compactors.

7 Q. Did he ever have a roll-off or front-end
8 loader or lugger?

9 A. I don't know. I don't know what he had.

10 Q. Do you know who any of his customers were?

11 A. No.

12 Q. Hock Disposal?

13 A. Who?

14 Q. Hock, H-O-C-K.

15 A. Hock? I never heard of them.

16 Q. Did you ever hear of Mascaro?

17 A. Mascaro, yeah, I heard of him, but I never
18 knew him to dump up there.

19 Q. How about Graybill Enterprises?

20 A. Graybill, yeah, I heard of them. They no
21 longer exist.

22 Q. Did you see them at the Berks Landfill?

23 A. Yeah.

24 Q. What kind of vehicle did they have?

25 A. Compactors.

1 Q. Did they ever have a roll-off or front-end
2 loader?

3 A. Not that I know of.

4 Q. And do you know who their customers were?

5 A. Nope.

6 Q. Green Trash?

7 A. Who?

8 Q. Green Trash.

9 A. Green Trash? Green Trash, that's the name?

10 Q. Yes.

11 A. Green Trash, no.

12 Q. Hinkle Hauling?

13 A. Who?

14 Q. Hinkle Hauling.

15 A. No, I never heard of them.

16 Q. Industrial Waste Removal?

17 A. Vague. I wouldn't want to say. You had so
18 many guys that come in, and the one week they're hauling
19 trash, the next week they're not hauling trash. It's
20 hard to remember all of them.

21 Q. Let me know if you've ever seen any of
22 these guys at the Berks Landfill.

23 A. Okay.

24 Q. So you don't remember that one?

25 A. Which one?

1 Q. Industrial Waste Removal.

2 A. No.

3 Q. Lenhartsville?

4 A. Who?

5 Q. Lenhartsville Disposal.

6 A. Lenhartsville?

7 Q. Yeah.

8 A. No, I don't remember them.

9 Q. How about Dennis Christman?

10 A. Dennis?

11 Q. Christman or Barry Christman.

12 A. Dennis, Dennis, Dennis -- I don't know that
13 Dennis hauled up there or not. I can't say I ever seen
14 him up there. That's one of the guys that might have
15 come. I don't remember.

16 Q. Do you know Dennis Christman?

17 A. Yes.

18 Q. Is he a friend of yours?

19 A. No -- well, yeah. I said no; I take that
20 back. We all talked, you know. Yeah. I try to be
21 friendly with everybody out there, really.

22 Q. More of an acquaintance then, maybe?

23 A. Huh?

24 Q. An acquaintance?

25 A. No. We just talk.

- 1 Q. Do you know Barry Christman?
- 2 A. Who?
- 3 Q. Barry Christman.
- 4 A. Barry Christman?
- 5 Q. Yes.
- 6 A. No.
- 7 Q. Pingitore?
- 8 A. Who?
- 9 Q. Pingitore.
- 10 A. Pingitore?
- 11 Q. Pingitore.
- 12 A. Pingitore. Yeah. They no longer exist
- 13 either.
- 14 Q. Did you see them at the site?
- 15 A. Yeah, I used to see them up there.
- 16 Q. And we're talking about the Berks site?
- 17 A. Huh?
- 18 Q. The Berks site.
- 19 A. Yeah.
- 20 Q. And what kind of vehicle did they have?
- 21 A. They had compactors.
- 22 Q. Did they ever have a roll-off and front-end
- 23 loader?
- 24 A. Not that I know of.
- 25 Q. Do you remember which Pingitore would be

1 there? Was it John or Frank or --

2 A. Both of them I seen in there.

3 Q. How often would you see them there?

4 A. I used to see them in there pretty often.

5 I don't remember how often, but they used to be in there
6 pretty often.

7 Q. Did you know who their customers were?

8 A. No.

9 Q. Ziegler?

10 A. Ziegler?

11 Q. Yeah.

12 A. I don't remember.

13 Q. Goode's Disposal?

14 A. Yeah, I used to see Goode's trucks in
15 there.

16 Q. What kind of vehicles did they have?

17 A. Compactors.

18 Q. Anything else?

19 A. No. That's all I seen in there, was
20 compactors.

21 Q. And how often would you see them there?

22 A. Goode's used to run in there at least every
23 day.

24 Q. You saw them at the Berks Landfill almost
25 every day?

1 A. Well, I used to see them there when I'd go
2 there, you know. But, like I say, a lot of days I
3 didn't go to the landfill. Even like now, a lot of
4 times I don't go. I might send somebody else down
5 there. I won't run it.

6 Q. So each time that you were there you saw --

7 A. I used to see them in there. Yeah.
8 Sometime [sic] I'd see them in there when I'd be there
9 and sometime [sic] I wouldn't. It would depend on what
10 time of day I would go in there.

11 Q. Do you remember who their customers were?

12 A. Goode's? No.

13 Q. E. M. Cataldi?

14 A. Cataldi?

15 Q. Yeah.

16 A. Yeah.

17 Q. Were they at the Berks Landfill?

18 A. Cataldi, Cataldi, Cataldi. I don't know.
19 Did Cataldi haul up there or not? I really don't -- I
20 think so. I'm not -- but don't hold me -- I really
21 don't know. I know Cataldi was -- he had quite a few
22 trucks. I don't remember -- we used to go all over --
23 you know, different places. I really can't say.

24 Q. Did Cataldi have roll-offs or front-end
25 loaders?

1 A. They didn't have no front-end loaders. I'd
2 just say compactors, really.

3 Q. Do you know Joe Nemple?

4 A. Joe Nemple? Yeah.

5 Q. Did he go to Berks Landfill?

6 A. Yeah. I used to see Joe out there.

7 Q. What kind of vehicle did he have?

8 A. Compactors.

9 Q. And do you know who his customers were?

10 A. No.

11 Q. How often would you see him there?

12 A. Huh?

13 Q. How often would you see him there?

14 A. I would say at least once or twice a week.

15 Q. Boyertown Disposal?

16 A. Boyertown Disposal?

17 Q. Yes.

18 A. Yes.

19 Q. Were they at the Berks Landfill?

20 A. No, I never seen them up there.

21 Q. Malco?

22 A. Malco?

23 Q. Have you ever heard of Mel Allen or Larry
24 Goldberg?

25 A. Melco? Yeah, but they didn't exist too

1 long.

2 Q. Clifford Hill Trash Disposal?

3 A. I never -- yeah, I heard of them, but I
4 don't know if Cliff hauled up there or not.

5 Q. Kutztown Disposal?

6 A. Who?

7 Q. Kutztown.

8 A. Yeah, I heard of them, but I don't know if
9 they hauled out there or not.

10 Q. Valley Disposal, Division of Novak?

11 A. Valley?

12 Q. Yes.

13 A. I don't know. I never heard of them. Like
14 I say, a lot of trucks come up there. You didn't never
15 pay any mind to the name on it. You just look at the
16 truck and wave and keep on going. You know what I mean?
17 They probably dumped up there. I don't know.

18 Q. We just want to know what you know, what
19 you think you remember. Okay?

20 A. Um-hum.

21 Q. Wyomissing, Leroy Hinkle?

22 A. Wyomissing?

23 Q. Yeah.

24 A. I don't know.

25 Q. RTS?

11

1 A. RTS? I never heard of them. They probably
2 passed and I waved. I don't know.

3 Q. Twin County Disposal?

4 A. Twin County. Twin County, that's the same
5 thing as Barkman Disposal.

6 Q. Yeah.

7 A. Twin County and Barkman were the same
8 thing.

9 Q. And you don't recall seeing them at Berks?

10 A. Huh?

11 Q. You don't recall seeing them at Berks?

12 A. Not as I can remember. He might have
13 dumped there. I don't know.

14 Q. Birdsboro?

15 A. Birdsboro what?

16 Q. That's just the name I have.

17 A. Birdsboro? I don't know.

18 Q. Arthur Brooks?

19 A. I don't know.

20 Q. O'Hara Sanitation?

21 A. O'Hara? Yeah. I never seen him up on this
22 end, though; always down in -- maybe 50 miles away from
23 here.

24 Q. I've seen reference in some documents to
25 Dick Brothers, Inc. Is that any association with your

12

1 company?

2 A. Who? Dick Brothers? No.

3 Q. Do you know if they've ever been to Berks?

4 A. Huh?

5 Q. Do you know if they've ever been to Berks?

6 A. Yeah. I think Dick Brothers used to go to
7 Berks. But Dick Brothers is -- the building even burnt
8 up -- they no longer exist -- at Third and Washington --
9 I mean, Third and Buttonwood. It's nothing. They no
10 longer are in business.

11 Q. What kind of vehicle did they drive? Do
12 you know?

13 A. I seen them with a dump truck. That's
14 about all.

15 Q. You don't know their customers, do you?

16 A. Dick Brothers just hauled from Dick
17 Brothers, that's all.

18 Q. They hauled for themselves?

19 A. That's it.

20 Q. What did they do?

21 A. It was -- it was like a foundry there.

22 Q. Do you know what kind? Do you know what
23 they did?

24 A. I think they used to make like water
25 spigots and stuff like that. That's the only thing I

1 know that Dick Brothers made, water spigots and hammers
2 and little stuff like that, small -- that's all. I
3 really was only in the place once. I really don't know
4 what all they made in there, but I know it was just a
5 little small foundry. That place is burnt, you know.

6 Q. Who ran that place?

7 A. I don't know.

8 Q. Do you know anyone who worked for them?

9 A. Huh?

10 Q. Do you know anybody who worked for them?

11 A. No, not really. I knew some guys by saying
12 Hi, and that's about it.

13 Q. You don't know any names?

14 A. No.

15 Q. Did you ever hear of RRM Corp. or
16 EnviroSAFE Services?

17 A. Who?

18 Q. RRM Corporation or EnviroSAFE Services?

19 A. I never heard of them.

20 Q. Waste Management?

21 A. Yeah, I heard of them.

22 Q. Did you ever see them at Berks?

23 A. No. When that was open I don't think Waste
24 Management was in this area at the time. Maybe so.
25 Maybe they was running under a different name. I don't

1 know.

2 Q. Laurenson, Inc. or Edward Laurenson?

3 A. Huh?

4 Q. Laurenson, Edward Laurenson, or Laurenson,
5 Inc.?

6 A. Edwin Warranty [sic]?

7 Q. Edward Laurenson, L-A-U-R-E-N-S-O-N?

8 A. Linderman?

9 Q. Edward?

10 A. No, I never heard of that.

11 Q. Have you heard of the Ben Lombardo
12 Equipment Company?

13 A. Yeah.

14 Q. Do you know if they went to the Berks
15 Landfill?

16 A. Who? Ben Lombardo Equipment? They owned
17 it.

18 Q. Was that part of the same landfill?

19 A. That was part of the same thing.

20 Q. Do you know what kind of company they were?
21 Did they just --

22 A. Huh?

23 Q. What kind of company were they? Do you
24 know?

25 A. Well, the only thing I know, they were

1 selling used equipment and heavy equipment. That's all
2 I know.

3 Q. Did they actually do hauling for anybody?

4 A. No. I never knew Benny to do no hauling.
5 He might have now. I don't know. He had a lot of
6 equipment out there, all heavy stuff. I don't know.

7 Q. Bux-Mont Refuse Service?

8 A. Yeah. But I never heard -- I heard of
9 them, but I never seen them up there, I don't think. I
10 really don't know.

11 Q. Globe Industrial?

12 A. Who?

13 Q. Globe Industrial Services.

14 A. Globe? Yeah, I seen Globe trucks out
15 there.

16 Q. At the Berks Landfill?

17 A. Yeah.

18 Q. What kind of trucks?

19 A. He had all front-end loaders and, I think,
20 roll-off. That's all I ever seen in there, front-end
21 loaders and roll-off.

22 Q. How often would you see them there?

23 A. Every time you went there.

24 Q. Do you know who worked for them?

25 A. Huh?

1 Q. Do you know who worked for them or
2 operated --

3 A. Nope. I don't know who worked for him,
4 what he was hauling from or where he got it from. I
5 know nothing.

6 Q. Do you know if they're still around?

7 A. Huh?

8 Q. Do you know if they're still around?

9 A. Globe, no, they're not around. BFI bought
10 Globe out. Globe used to run that landfill.

11 Q. I'm sorry?

12 A. Globe used to run that landfill.

13 Q. The Berks Landfill?

14 A. Yes.

15 Q. When did they run the landfill?

16 A. Huh?

17 Q. When did they run the landfill?

18 A. When they closed up they was running it.

19 Q. I mean what years.

20 A. Let's see. I don't remember. I don't
21 remember what year it was. It was about -- I don't
22 remember what year they closed it up.

23 Q. Have you heard of Eckman's Refuse Disposal?

24 A. Who?

25 Q. Eckman's?

12

1 A. Eckman?

2 Q. Yes.

13

3 A. No. I don't -- I mean, they might exist.

4 I just didn't hear of them.

5 Q. H.R. Guard?

6 A. Yes.

7 Q. Were they at the Berks Landfill?

8 A. Yeah, they was there.

9 Q. What kind of vehicles did they have?

10 A. Compactors.

11 Q. How often would you see them?

12 A. Practically every time you'd go there you'd

13 see them.

14 Q. Do you know who their customers were?

15 A. No.

16 Q. When Globe Disposal was at the landfill, do
17 you know what kind of stuff they were dumping?

18 A. I don't know what it --

19 Q. Did you ever see anything?

20 A. Nope. I don't know where they was getting
21 it from, what they were dumping or nothing. I knew
22 nothing about their business.

23 Q. You just saw their trucks there?

24 A. I just seen their trucks there, and I know
25 they had the time. That's who we used to pay the check

1 to, was Globe Landfill, Globe Corporation or something
2 or other. I would say the last year or so that who
3 ran that.

4 Q. You said you saw Globe Disposal there.
5 Earlier you were talking, also, about them hauling and
6 taking --

7 A. No. When they -- mostly when I seen their
8 trucks they had took the landfill over. That's when
9 they started hauling in there. What they was hauling
10 from before, where they come from, I don't know.

11 Q. They were bringing things in to dump there
12 when they took it over?

13 A. Yeah. They was bringing the stuff in there
14 to dump, yeah, when they took it over.

15 Q. Did you ever hear of John R. Green?

16 A. Yeah, John Green. Yeah.

17 Q. Did he go there?

18 A. Yeah, he went there. I heard of him.

19 Q. And what did he drive?

20 A. Huh?

21 Q. What kind of vehicle?

22 A. Compactor.

23 Q. Do you know what he brought there?

24 A. Know what?

25 Q. What he dumped there.

1 A. No, I don't.

2 Q. Did you ever hear of Milford Fry?

3 A. Who?

4 Q. Milford Fry.

5 A. Milford Fry?

6 Q. Yeah.

7 A. No, I never -- like I say, he might have
8 went in there. I don't know. There was a lot of guys.
9 I don't remember all of them.

10 Q. How about George Nickels?

11 A. George Nickels? No, I don't remember him.

12 Q. Did you ever hear of a Reifsnyder?

13 A. Reifsnyder? Yeah.

14 Q. Did he go there?

15 A. Yeah.

16 Q. What kind of vehicle did he have?

17 A. Compactors.

18 Q. You don't know his customers, do you?

19 A. No.

20 Q. How often would you see him there?

21 A. Practically every time you went there you'd
22 seen him.

23 Q. Goode? G-O-O-D-E.

24 A. Yeah. You asked me about Goode's. I told
25 you.

1 Q. The same Goode?

2 A. Yeah.

3 Q. I'm not sure if I asked you about Kemp.

4 A. Kemp?

5 Q. Yeah.

6 A. There was so many of them Kemps hauling
7 trash. There's still a lot of them. I don't know which
8 one you're talking about.

9 Q. The Kemps went to the Berks Landfill?

10 A. Yeah. There was a lot of Kemps. It's a
11 lot of them.

12 Q. They have their own company?

13 A. Yeah. They all got trucks they own, one
14 truck, two trucks.

15 Q. What kind of trucks?

16 A. Compactors. Some of them got -- well,
17 Marty -- just a couple of them were big guys and some of
18 them were just regular small haulers.

19 Q. Did they have roll-offs or front-end
20 loaders?

21 A. I really don't know.

22 Q. Do you know who their companies were, their
23 customers?

24 A. No.

25 Q. Do you know if they hauled for industries?

1 A. I don't know.

2 Q. And what were some of their first names,
3 some of these guys?

4 A. Who?

5 Q. The Kems.

6 A. Well, there was Marty. There was Gerald,
7 Gerald Kemp, Marty Kemp. I don't know. There's about
8 15 -- there's a lot of them Kems.

9 Q. Did you ever hear of --

10 A. Some of them are dead. There was a whole
11 family of them hauling trash.

12 Q. Browning-Ferris Industries?

13 A. Browning-Fair?

14 Q. Ferris.

15 A. Browning-Ferris, that's the same thing as
16 BFI.

17 Q. I'm not sure if I covered James Dawkins.

18 A. Who?

19 Q. James Dawkins.

20 A. James Dawkins, he's been dead for years.

21 Q. Clements Brothers or Clements Waste?

22 A. Yeah, they used to dump up there.

23 Q. How often would you see them at the Berks
24 Landfill?

25 A. Every time you went there.

13

1 Q. What kind of vehicles did they have?

2 A. Compactors -- roll-offs, compactors, all
3 kinds, front-end loaders.

4 Q. Anything else?

5 A. That's all I used to see.

6 Q. Any luggers?

7 A. Yeah, he used to have a lugger, too.

8 Q. Do you know what kind of waste they hauled
9 there?

10 A. Nope.

11 Q. Do you know anything about their customers?

12 A. No.

13 Q. Do you know any of the Clements drivers?

14 A. No. The only one I knew, really, was the
15 one that got killed. That's about the only one I knew
16 of.

17 Q. I'll just ask you a couple of names and
18 tell me if you remember these guys.

14

19 A. Who?

20 Q. I'll ask you a couple of their names, and
21 you can tell me who you knew.

22 A. Okay.

23 Q. Steve Canaveral?

24 A. No.

25 Q. Jim Hager?

1 A. No.

2 Q. Rich Johnson?

3 A. No.

4 Q. Kenny Keppley or Kappley?

5 A. No.

6 Q. Billy Wayne or Glenn Moore?

7 A. I think that's the one got killed, ain't
8 it? I'm not sure. I just knew the one guy, really,
9 that I used to talk to. I don't know if that's the one
10 or not. Don't hold me to that one. I don't know. But
11 one of them got killed three or four years ago. That's
12 the only one I really used to talk to. The rest of them
13 I don't know.

14 Q. There's a Gary or Harry Moyer. There's a
15 Moyer, too.

16 A. Gary, I think that's the one got killed.
17 I'm not sure. One of them guys got their truck ran over
18 him.

19 Q. Dan or Sterling Reigel?

20 A. No.

21 Q. Kenny Spayd?

22 A. Who?

23 Q. Kenny Spayd.

24 A. No.

25 Q. Ken Achey?

1 A. Nuh-uh. I just knew them guys to wave at
2 them and keep on going. By name I don't know them.

3 Q. How about Dennis Moll?

4 A. Dennis Moll?

5 Q. Yes. M-O-L-L.

6 A. Nuh-uh. Just to wave at him. I never
7 really --

8 Q. About how many different guys did you see
9 there?

10 A. I don't know. I didn't pay -- you know,
11 you're not paying attention to them. You just wave at a
12 guy. Like now, I pass a guy, I wave at him, and I -- I
13 never really even see who it is. They blow or wave, and
14 I wave and keep going. And people, they speak, Hi,
15 Dick. I don't even -- you know, don't even know who it
16 is. A lot of people say, Oh, I spoke to you the other
17 day, you didn't say nothing; I say I'm sorry, I didn't
18 know; I blowed at you and you didn't blow back, you
19 know. You can't -- there's a whole lot of people. They
20 know me, but I don't -- you know, I just don't know
21 them. A lot of them think they know me; they don't even
22 know me.

23 Q. Did you ever hear of Wolgemuth?

24 A. Who?

25 Q. Wolgemuth.

1 A. No, I never heard of them.

2 MS. HORN: Do you want to take a break?

3 (Short recess was taken.)

4 BY MS. HORN:

5 Q. Sir, we just took a break.

6 A. Huh?

7 Q. We just took a break, and I just wanted to
8 know during the break if you wanted to change any of
9 your answers.

10 A. No.

11 Q. What type of waste is a compactor generally
12 used for?

13 A. I didn't understand.

14 Q. What type of trash or waste is a compactor
15 generally used for, to pick up?

16 A. Just regular household trash.

17 Q. Is that like the traditional garbage truck?

18 A. Yes.

19 Q. When we were going through all these
20 haulers, I believe the ones that you identified seeing
21 at Berks Landfill -- I guess the majority of them, you
22 said, used a compactor or, at most, a dump truck.

23 A. Yes. Well, as time got modern they started
24 using compactor trucks. At one time we was dumping --
25 mostly everybody had dump trucks, but I would say after

1 the '70s most of them then had compactors.

2 Q. But other than just three of those haulers,
3 you didn't mention that any of them had used roll-offs
4 or front-end loaders or anything. Who picked up the
5 industry in the Reading area? Do you know?

6 A. No, I don't know who did it. At the time
7 then I guess Clements Brothers was about the biggest
8 around here and they, I guess, mostly did it. And a lot
9 of those industries used to haul their own wastes away,
10 too.

11 Q. Do you know any of those industries that
12 had their own trucks that went to the site?

13 A. Well, just like I said, Dick Brothers, they
14 had their own truck, you know. There used to be a hat
15 factory -- a handbag factory up on South Eleventh
16 Street; they had their own truck. Several people used
17 to have their own trucks hauling their own waste away.

18 Q. Do you remember what kind of trucks that
19 hat factory had?

20 A. They had dump trucks.

21 Q. Do you remember the name of them, the
22 company?

23 A. No, I don't.

24 Q. Are they still around?

25 A. Some of -- no, Dick Brothers ain't around.

14

1 That handbag factory or pocketbook factory, they ain't
2 there no more. Like I said, most of it at the time --
3 Clements was hauling the most that I know.

4 Q. Did you ever hear of Corrugated Paper
5 Company?

6 A. Corrugated?

7 Q. Corrugated Paper Company or Corrugated
8 Container Company.

9 A. Oh, I know what you -- you're talking
10 about, but I can't think of the name of it right now.

11 Q. Reading Container Company?

12 A. Huh?

13 Q. Reading Container Company, something like
14 that?

15 A. No. It was named something else. I can't
16 recall the name of it now, but they no longer exist.
17 They used to haul their own cardboard out there, too.

18 Q. To the Berks Landfill?

19 A. Yeah. But I forgot the name of it.

20 Q. Do you remember --

21 A. Was it Continental Can? It was one of
22 those places down there on South Seventh Street, but I
23 don't remember the name of it no more.

24 Q. It may have been Continental Can?

25 A. It might have been. It might have been

15

1 Continental Can.

2 Q. What type of vehicle did they have?

3 A. They used to haul it in their own tractors
4 and trailers and whatnot.

5 Q. Do you know what kind of stuff they brought
6 there? Did they bring drums?

7 A. Just -- no, I don't.

8 Q. How often did you see them there?

9 A. You would see them there maybe a couple
10 times a month, something like that. They'd be unloading
11 big rolls of cardboard, I guess it would be. I don't
12 know. It looked like cardboard.

13 Q. Cardboard containers or drums?

14 A. Well, some of it would be rolled up in big
15 rolls.

16 Q. Can you think of any other company that
17 hauled for itself?

18 A. There was several of them out there, but I
19 don't -- like I said, I don't remember. I'm not for
20 sure that was the name of that, Continental Can. It was
21 down around -- there was Continental Can down there and
22 there was a couple other factories down there, and I
23 know they used to haul stuff in there in a tractor and
24 trailer. I don't know.

25 Q. Do you remember where it was located, the

1 company?

2 A. Huh?

3 Q. Do you remember where the company was
4 located?

5 A. Down on South Seventh Street.

6 Q. Is that where most of the factories were?

7 A. No. They was scattered all around here.
8 But, like I say, a lot of them companies used to haul
9 their own stuff in there.

10 Q. Other than just seeing a company haul its
11 own stuff, do you know of any other company that had
12 their stuff taken to the landfill, the Berks Landfill?

13 A. I really don't know, you know. I don't
14 know that much about other people's business. I was --
15 I don't know that much about their business, what they
16 was doing, you know. I don't know. I don't know what
17 they was doing.

18 Q. I know when you said you saw a lot of these
19 haulers at the Berks Landfill -- do you remember ever
20 seeing them when you were driving around picking up
21 waste from somebody?

22 A. Did I say them doing what?

23 Q. Picking up waste from a company --

24 A. No.

25 Q. -- and driving around?

1 A. I don't know. No.

2 Q. How did the Berks Landfill charge you to
3 dump your waste there?

4 A. I don't remember.

5 Q. Do you remember if you had to have a ticket
6 before you got in?

7 A. Huh?

8 Q. Do you remember if you had to have a ticket
9 before you got into the landfill?

10 A. They used to weigh you -- at the end they
11 used to weigh you. Before they started weighing you
12 they used to just charge you so much a load and that was
13 it.

14 Q. And you paid then or you paid later?

15 A. Then you paid by the yard, so much a yard.
16 It used to be so much a load. Then they went from so
17 much a load to so much a yard. From so much a yard,
18 then they went to so much a ton. It went from like 50
19 cents a load to 75 cents a yard, and 75 cents a yard to
20 \$20 a ton. It just skyrocketed.

21 Q. I saw in one of the documents that you
22 hauled tires. Do you know who you hauled tires for?

23 A. I don't remember hauling no tires.

24 Q. Can you just explain how -- when an invoice
25 lists the size of a packer, what does that mean?

1 A. Huh?

2 Q. One of the invoices in your documents lists
3 the size of a packer.

4 A. Well, that's the size of the compactor.
5 Some of them is 20 yards. Some of them is 13 yards.
6 Some of them is 16 yards. Some of them is 20 yards.
7 Some of them is 32 yards. It runs in all different
8 sizes.

9 Q. That's your company's packers you're
10 talking about. You had that many different sizes?

11 A. Yeah. We have that many different sizes
12 now. We have some 20-yarders. We have some 25-yarders.
13 We have some -- all different sizes now.

14 Q. I think from looking at the documents --
15 correct me if I'm wrong -- you had a 9, a 10, an 11, a
16 13, a 14, a 16, 18 and 20-yard packers and a 4-yard
17 packer?

18 A. No. Now, see, that's where you --
19 sometimes you'd go out there and you'd look on the truck
20 and the judge -- you wouldn't be loaded. They would
21 call themselves an estimate -- that's an estimated price
22 there of -- you know, an estimated ton. You wouldn't be
23 loaded, and they'll look at the truck and they'll say,
24 well, how many ton you got on there of -- back then it
25 was how many yards you got on there; you would say,

1 well, maybe I got 12 yards on this load. It would
2 depend on where your blade would be at on that truck.

3 You know, the truck would -- the truck
4 would hold a 20-yard packer, so it would be halfway -- a
5 little over halfway or something. You'd say, well, I
6 think I got 12 yards on there. It was estimating it.

7 Now it's positive. It's not -- they weigh
8 it; you don't have to tell them. They know exactly how
9 much is on there. Back then they didn't have a scale.
10 You would just pull up, and they'd ask you how much your
11 truck had on. If you had a tight packing truck you
12 could really make out back in them days.

13 Q. What were the different types of
14 compactors, like size-wise, that you did have? Did you
15 have --

16 A. Well, back then I think we had a 20-yarder,
17 we had a 16-yarder, and we had a 13-yarder.

18 Q. That was during the '60s through the early
19 '80s you had those?

20 A. Yeah.

21 Q. In one of your invoices there's a reference
22 to loads of Birch Craft.

23 A. That's the kitchen place we was just
24 discussing a little while back. That's the one we was
25 talking about.

1 (Whereupon, the Reporter marked D. Thomas
2 Exhibit No. 1 for identification, Invoice.)

3 BY MS. HORN:

4 Q. So it's not Berks, it's Birch?

5 A. Um-hum.

6 Q. Mr. Thomas, please look at that exhibit and
7 tell us what it is.

8 A. What?

9 Q. That exhibit that she just handed you.

10 A. What you want me to tell you?

11 Q. Is this an invoice from your company to the
12 Berks Landfill Corporation?

13 A. (Witness reviewed document.)

14 November 30, 1979.

15 Q. Mr. Thomas, this exhibit looks like an
16 invoice from the Berks Landfill Corporation addressed to
17 you for you to pay for disposing of waste on November
18 30th, 1979. Is that right?

19 A. It probably was. It probably is an
20 invoice. That's what we owed them because that's
21 \$1526.30. It probably was.

22 Q. And does that say two loads came from Birch
23 Craft for the price of \$18?

24 A. It's possible.

25 Q. Is that what that says? Do you know?

1 A. I don't remember.

2 Q. I'll just read into the record that this
3 invoice has a quantity of two loads from Birch Craft.

4 A. I wish that's what we was paying today.

5 Q. What's that?

6 A. I say, I wish this is what we was paying
7 today.

8 Q. And the total of the invoice?

9 A. It's running me now \$7,000 a week.

10 Q. When you picked up from Birch Craft
11 Kitchen, you said that was the period from the early
12 '70s through the '80s. Is that right?

13 A. Somewhere like that.

14 Q. When you picked up there, I believe you
15 said that you used the dump truck and you had to go
16 there about twice a week. Is that right?

17 A. I think we picked up there twice a week.
18 I'm not for sure. I don't remember. It's been so long
19 since we hauled it. I think we picked it up twice a
20 week. And then it depended on how big the truck was,
21 also. If you had a bigger -- I had several different
22 types of dump trucks, too.

23 Q. They would usually fill your truck, though?

24 A. Yeah. If they didn't fill it we would park
25 it because that's all we would use that truck for, was

1 for them. And if they didn't fill it we would park it
2 and let them finish filling it. And when we started
3 pulling up in Pottsville with that stuff we was
4 pulling -- we bought bigger trucks; that way we could
5 carry more. Like I said, I don't remember what all we
6 did.

7 Q. So you would never haul from them until
8 your truck was full, though?

9 A. No, we wouldn't go to the landfill until it
10 was full. Like I say, they probably would fill it up
11 every time we'd go in there. If they wouldn't they
12 would all but fill it, and we just would hold a load
13 until they finished filling it.

14 Q. You'd wait that day until they finished
15 filling it?

16 A. Well, sometimes they had to wait a couple
17 days.

18 Q. I know this is probably hard to remember,
19 but do you remember what days during the week you picked
20 up from them?

21 A. No, I don't remember.

22 Q. Was this every month you picked up from
23 them?

24 A. Every week.

25 Q. But every month of the year?

16

1 A. Yeah. We picked up every week there for
2 them, and then we would -- yeah, we picked up every
3 week.

4 Q. And this was a continuous thing over the
5 period of time that you hauled for them?

6 A. Yeah, continuous.

7 Q. It didn't lighten up?

8 A. Huh?

9 Q. It didn't lighten up?

10 A. No, no more -- like when they would go on
11 vacation or something for a couple weeks there might not
12 be, you know, that much in there. But they might have,
13 what are called, a skeleton crew for some special
14 cabinets or something they had to build. They might
15 have had working a skeleton crew in there for some
16 special cabinets or something they had to build 'cause
17 they all -- they was building, I think -- they build
18 special cabinets in there.

19 Q. Is there a reason why you took that waste
20 to the Berks Landfill? Was it close to there or --

21 A. That's where we was taking it all to.

22 Q. Who decided where you would take waste?

23 A. Who decided?

24 Q. Did you make that decision?

25 A. I made that decision.

17

1 Q. How did you get Birch Craft as a customer?

2 A. I don't remember.

3 Q. Where are they located? Where were they
4 located?

5 A. They're still located right out here
6 behind -- right across from Dunkin Donuts.

7 Q. What street is that?

8 A. They have one plant there, and then they
9 have one over on Thorn Street, I think it is.

10 Q. Did they have two facilities then?

11 A. Yeah.

12 Q. Did they always have two facilities?

13 A. I really don't know, but I know they have
14 two. The last four or five years we worked for them --
15 or the last eight or nine years they had two. I don't
16 know that they had two all the time, and they just
17 hauled the stuff to the one location or what.

18 Q. And they didn't have dumpsters?

19 A. Not then they didn't.

20 Q. How did they have their waste ready for you
21 to pick up?

22 A. I told you, they had it in 55-gallon drums
23 and stuff.

24 Q. Just stacked up outside, though?

25 A. No. It was inside.

1 Q. That was the only thing you took, was those
2 drums?

3 A. Yeah, just sawdust and wood.

4 Q. Did you take any other kind of trash at all
5 from them?

6 A. Well, they would have the trash mixed in
7 with the sawdust and wood.

8 Q. Does your company have customer lists?

9 A. Huh?

10 Q. Does your company have customer lists that
11 you keep, lists of your customers?

12 A. List of the customers that we -- we don't
13 have them as a customer no more. We no longer haul for
14 Birch Craft Kitchen. We haven't hauled for them in the
15 last three or four years.

16 Q. But do you, in general -- do you keep a
17 customer list of any customers that you do haul from?

18 A. Yes. There's probably a file there
19 somewhere, a dead file.

20 Q. How far back does that file go?

21 A. It would go back at least for two or three
22 years.

23 Q. So you don't have any records prior to that
24 time then?

25 A. No.

1 Q. Do you remember getting the 104-E request?

2 A. Huh?

3 Q. Do you remember getting a 104-E request
4 from the EPA?

5 A. We got some stuff from them. I don't know
6 what you got there.

7 Q. Do you remember getting documents that I
8 sent you when you received your Subpoena?

9 A. Did I get a document saying that -- I got
10 these here things (indicating).

11 Q. Did you get a chance to look through those
12 documents?

13 A. Yeah, we went through them.

14 Q. And do you know if there's any other
15 documents that you have that aren't in this set of
16 documents regarding your customers?

17 A. No.

18 Q. Did you ever see any burning going on at
19 the landfill?

20 A. Huh?

21 Q. Did you ever see any burning or fires at
22 the landfill, the Berks Landfill?

23 A. Not as I can recall.

24 Q. I'm just going to run down a list of
25 companies. I'm just going to read a number of

1 companies' names, and I want you to just tell me if
2 you've heard of that company and if you know anything
3 about how they dispose of their waste or who took their
4 waste. Okay?

5 A. Okay.

6 Q. ABF Trucking?

7 A. No.

8 Q. Borough of Adamstown?

9 A. No.

10 Q. Adidas, USA?

11 A. No.

12 Q. Aerodynamics Corporation?

13 A. No.

14 Q. Agway Petroleum Corporation?

15 A. No.

16 Q. I just want to clarify that it doesn't
17 matter whether you hauled for them. I'm just asking
18 whether you know.

19 A. I never heard of them.

20 Q. Air Seal Corporation?

21 A. No.

22 Q. Ajay Enterprises?

23 A. No.

24 Q. All Brite Light Company, Inc.?

25 A. Nope.

1 Q. Allentown Cement?
2 A. Nope.
3 Q. Allentown Osteopathic Medical Center?
4 A. No.
5 Q. Department of Public Works in Allentown?
6 A. No.
7 Q. Allied-Signal, Inc.?
8 A. No.
9 Q. Aluminum Alloys?
10 A. No.
11 Q. Aluminum Associates?
12 A. No.
13 Q. Aluminum Company of America?
14 A. No.
15 Q. Amana Refrigeration, Inc.?
16 A. No.
17 Q. American Color & Chemical?
18 A. I heard of them, yes.
19 Q. What do you know about them?
20 A. Nothing.
21 Q. How have you heard about them?
22 A. Huh?
23 Q. You just heard their name?
24 A. Yeah, just heard their name. And I -- I
25 did some work for them; I think it was last year or the

17

1 year before last.

2 Q. You mean hauling for them?

18

3 A. I did -- yeah. Well, they had closed the
4 plant up. I didn't -- they closed the plant, and they
5 had these mixers in there that they wanted taken out, so
6 I was contracted to take those mixers out of there and
7 dispose of them.

8 Q. Where did you dispose of them?

9 A. Up here at the scrap yard.

10 Q. When you say up here, where do you mean?

11 A. Huh?

12 Q. When you say up here, where do you mean?

13 A. Well, I forget the name of the scrap yard.
14 It's up there in Temple. The threader [sic], where they
15 cut up cars and run them through the threader [sic]. We
16 disposed, I guess -- I don't know how many tons of steel
17 up there, that we cut out at American Color and taken up
18 there.

19 Q. What did you mean by mixers?

20 A. Those big cement mixers -- big mixers that
21 they used to mix the color in -- the dye and stuff in.

22 Q. You're talking about a vehicle or just a
23 machine?

24 A. No. Just a machine.

25 Q. You just disposed of these machines --

1 A. I cut those machines up and -- I had cut
2 them up and taken them up there to the scrap yard.

3 Q. Had you ever heard of American Color &
4 Chemical before that?

5 A. I had heard of them, but I never did no
6 business with them. I just knew they was on North
7 Eleventh Street, and they sold this building, and they
8 had to get this stuff out of there, and they contracted
9 me to take it out.

10 Q. Do you know who hauled waste for them?

11 A. No, I don't. I know nothing about them.

12 Q. American Television and Communications?

13 A. Never heard of them.

14 Q. A.M.S. Oil Synthetic Lubricants?

15 A. Never heard of them.

16 Q. Armstrong World Industries?

17 A. Never heard of them.

18 Q. Arrow International, Inc.?

19 A. Nope.

20 Q. Artisans, L.K.?

21 A. No.

22 Q. Astor Knitting Mills, Inc.?

23 A. Who?

24 Q. Astor, A-S-T-O-R?

25 A. Esther's [sic]? Astor's Knitting Mill,

1 Astor's Knitting Mill, Astor's Knitting Mill. Yeah, I
2 believe I heard of them. Astors Knitting Mill. You
3 don't know where they're located, do you?

4 Q. 233 North Eleventh Street.

5 A. Yes, I used to haul for them.

6 Q. Where did you take their waste?

7 A. I think I hauled it out there. I'm not
8 sure where I hauled it to. I believe I hauled it out
9 there, out to Lombardo's.

10 Q. Do you remember how often you picked up
11 from them?

12 A. I was on call there. Only when they
13 called. It was usually once or twice a month. We no
14 longer haul for them either.

15 Q. Did they have dumpsters?

16 A. No. They just used to have it in barrels.

17 Q. And what were you hauling?

18 A. They had it in cardboard containers, and we
19 used to dump it out of there.

20 Q. Do you know what was in those containers?

21 A. Huh?

22 Q. Do you know what was in those containers?

23 A. Just cloth.

24 Q. Cloth?

25 A. Cloth and papers, you know, from the

1 bathrooms and whatnot; just regular trash. Paper from
2 the bathrooms and stuff like that; just regular trash.

3 Q. Do you remember anything like liquids or
4 anything else?

5 A. No, no liquids.

6 Q. Did they have trash bags, too, in addition
7 to their cardboard containers?

8 A. Yes. Occasionally they did have some trash
9 bags, but there was just cloth and stuff in those.

10 MR. ROEDER: Do you recall what years?

11 THE WITNESS: Huh?

12 MR. ROEDER: Do you recall what years?

13 THE WITNESS: No, I don't. I don't recall
14 what year that was.

15 BY MS. HORN:

16 Q. AT&T?

17 A. No.

18 Q. Montello Terminal?

19 A. Who?

20 Q. Montello Terminal?

21 A. No.

22 Q. Automotive Service, Inc.?

23 A. Automotive Service?

24 Q. Yes.

25 A. Yes, I did some work for Automotive

1 Service. I did rethread factory [sic].

2 Q. Did you haul their waste to the Lombardo
3 Landfill?

4 A. No, we didn't.

5 Q. Where did you take it to?

6 A. We were just starting -- well, they just
7 started that about three or four years ago and -- well,
8 they even closed that factory up now. It was only
9 rethreading [sic] tires, and we was hauling that to --
10 we hauled some of it to Pottsville, and we hauled some
11 of it down here to Birdsboro. No, I don't recall
12 hauling any of that over there to that place.

13 Q. So you didn't haul for them between 1970
14 and 1985?

15 A. No. No, we didn't haul for them.

16 Q. B.P. Oil Company?

17 A. No.

18 Q. Baker Chemical Company?

19 A. No.

20 Q. Baldwin Hardware Corp.?

21 A. Nope.

22 Q. The Barn?

23 A. Who?

24 Q. The Barn.

25 A. No.

18

1 Q. Berk-Tek or Patton Industries?

2 A. No.

3 Q. Berks Products?

4 A. No.

5 Q. Berkshire International?

6 A. No.

7 Q. Best Brothers Paint?

8 A. Who?

19

9 Q. Best Brothers Paint?

10 A. No.

11 Q. Birdsboro Steel Foundry & Machine Company?

12 A. No.

13 Q. Bollman's Hat, Inc.? Is that the hat
14 company that you were thinking of, the hat and handbag
15 company?

16 A. No. They had a pocketbook factory there on
17 South Eleventh Street.

18 Q. So you have not heard of Bollman's Hat,
19 Inc.?

20 A. No.

21 Q. Have you heard of the Allentown Hat
22 Factory?

23 A. No.

24 Q. Do you know whether that would be the
25 handbag company you were talking about?

ORIGINAL
(Red)

1 A. I don't know.

2 Q. You don't know. Black & Decker?

3 A. No.

4 Q. Breneman, Inc.?

5 A. Who?

6 Q. Breneman, Inc.

7 A. Breneman?

8 Q. Yes.

9 A. No.

10 Q. Brentwood Industries?

11 A. Brentwood? Yes, I hauled for Brentwood.

12 Q. When did you haul for them?

13 A. It was back around in that time, I guess it
14 was.

15 Q. From 1970 through the mid '80s?

16 A. Somewhere like that.

17 Q. And did you take that waste to the Berks
18 Landfill?

19 A. I used to take it to -- some of it there,
20 yeah, and I hauled some of it to Birdsboro, down there,
21 also.

22 Q. How often would you pick up from them?

23 A. I used to pick up Brentwood, I think, a
24 couple times a week.

25 Q. And of those couple times a week would you

*Excluded
(red)*

1 go to Berks at least one of those times or most of those
2 times?

3 A. Yeah, I would go to Berks. It would just
4 depend on how much I would have on. I used to use a
5 couple of them when they was open.

6 Q. Would you at least take it to Berks once a
7 week?

8 A. Yeah, I would take it at least once a week.

9 Q. And did they have dumpsters?

10 A. Yeah, we had dumpsters in there.

11 Q. How many dumpsters did you have?

12 A. I think we had five or six dumpsters in
13 there the time that I was hauling there.

14 Q. Do you know what size yards they were?

15 A. No, I don't. Two's and three's and yards
16 and a half, something like that. There wasn't no great
17 big ones.

18 Q. Did they have lids on them?

19 A. Yes.

20 Q. What kind of waste was in the dumpsters?

21 A. Just plastic.

22 Q. Plastic?

23 A. Yeah.

24 Q. What kind of plastic?

25 A. I don't know. All I know is plastic. I

1 don't know -- well, I just --

2 Q. Do you know, like, the shape?

3 A. Just cut up plastic.

4 Q. Anything else?

5 A. That's it.

6 Q. Do you recall any drums or anything?

7 A. Huh?

8 Q. Any drums.

9 A. No, I never taken [sic] no drums away from
10 there; just plastic and wood.

11 Q. I'm sorry?

12 A. Just plastic and broken up skids and stuff;
13 that's all we hauled.

14 Q. What kind of an industry was Brentwood
15 Industries?

16 A. What kind of what?

17 Q. What did they do, Brentwood Industries?

18 A. What did they do?

19 Q. Yes.

20 A. They'd make -- as far as I can see, I guess
21 parts for airplanes and stuff like that.

22 Q. I'm sorry. What did they do?

23 A. Build parts for airplanes and cars and
24 stuff, those dashes, as far as I know. I don't know. I
25 heard one time that they made that little plastic tube

1 that goes to your heart when they're giving you a heart
2 transplant; they invented that little plastic tube. I
3 don't know.

4 Q. Are they still around today?

5 A. Yeah, they [sic] still over there. A lot
6 of this stuff moved down south. I don't know.

7 Q. Brush Wellman?

8 A. No.

9 Q. B-U-E-H-R-E-R, Buehrer's Stained Glass
10 Studios?

11 A. No.

12 Q. Building Industries Exchange?

13 A. No. But I don't haul for Brent -- yes, I
14 do. I still haul wood for them. That's about it,
15 though.

16 Q. For Building Industries Exchange?

17 A. No. I never worked for them. I don't know.

18 Q. Who were you talking about that you hauled
19 wood for?

20 A. No. I said Brentwood. I said I hauled
21 some wood for them. That's about it.

22 Q. CPS Chemical Corporation?

23 A. No.

24 Q. Cabot Corporation?

25 A. No.

- 1 Q. Cacoosing Industries?
2 A. No.
3 Q. Camp Hosiery?
4 A. No.
5 Q. Camsco or Campbell's Fresh?
6 A. No.
7 Q. Carpenter Technology Corp. or CarTech?
8 A. No.
9 Q. Carpenter Steel?
10 A. No.
11 Q. Caterbone's Refuse?
12 A. No.
13 Q. Chemical Decontamination or Linwood Kemp?
14 A. No.
15 Q. Chima, Inc.?
16 A. No.
17 Q. Ciba-Geigy Corp.?
18 A. No.
19 Q. Clarklift Services?
20 A. No.
21 Q. Conrail?
22 A. No.
23 Q. Construction Fastener Company?
24 A. No.
25 Q. We already talked about Continental Can

19

1 Company.

2 A. Huh?

3 Q. We talked about Continental Can Company.

4 A. I didn't haul for them.

5 Q. When I'm asking you about these companies,
6 I'm asking you if you've even heard of them and know
7 anything about them, not just whether you hauled for
8 them.

20

9 A. I don't know nothing about them.

10 Q. Does this ring a bell, Continental Fibre
11 Drum?

12 A. If they're on South Seventh Street.

13 Q. It has a P.O. box number. Could that be
14 the one that you thought was --

15 A. I don't know.

16 Q. -- the paper company.

17 A. It might -- no. I don't know. I really
18 can't say. I don't know. All I know is, there used to
19 be a place down there they used to haul stuff in there.
20 That's all I know.

21 Q. And it was a cardboard or paper company?

22 A. It was a cardboard place.

23 Q. Continental Holdings?

24 A. No.

25 Q. Contractors Painting Service?

- 1 A. No.
- 2 Q. Dadey's Exxon?
- 3 A. No.
- 4 Q. Dana Corporation?
- 5 A. No.
- 6 Q. DeSantis?
- 7 A. No.
- 8 Q. Diller Plank?
- 9 A. No.
- 10 Q. Dor Mae Industries?
- 11 A. Dor Mae? Dor Mae Machine Shop?
- 12 Q. I'm not sure. It's on Reading Crest
- 13 Avenue.
- 14 A. What's that?
- 15 Q. It's on Reading Crest Avenue.
- 16 A. Reading Cross [sic] Avenue? What is it
- 17 called?
- 18 Q. There's a Miles Reitnouer that works there.
- 19 Dor Mae Industries is the name.
- 20 A. Yeah, I hauled there.
- 21 Q. They're a machine company?
- 22 A. Huh?
- 23 Q. What kind of company are they?
- 24 A. They just make trailers in a machine shop.
- 25 Q. When did you haul for them?

1 A. Ever since they've been established, ever
2 since they've been located.

3 Q. Do you know when that was?

4 A. Huh?

5 Q. Was that in the '70s and '80s?

6 A. Well, me and the guy that runs it is pretty
7 good friends. We've been buddies for years. I don't
8 know when he established that.

9 Q. Was this in the period, though, from 1970
10 to 1985?

11 A. No, he was wasn't running that then. Miles
12 just started running -- Miles, he's only been in
13 business there for -- he had a little, small place with
14 maybe two barrels of trash. He just got big in the last
15 three or four years.

16 Q. And there was no business there before
17 he --

18 A. Huh?

19 Q. There was no business there?

20 A. No.

21 Q. George Lovett?

22 A. No.

23 Q. Dorney Printing?

24 A. No.

25 Q. Durinzi, Armando?

- 1 A. No.
- 2 Q. Eagle Chemical Company?
- 3 A. No.
- 4 Q. Eastern Machine Products?
- 5 A. No.
- 6 Q. Electro Space Fabricators?
- 7 A. No.
- 8 Q. Empire Wrecking Company?
- 9 A. No.
- 10 Q. Excelsior Brass Works?
- 11 A. Who?
- 12 Q. Excelsior Brass Works?
- 13 A. No.
- 14 Q. Kief Industries?
- 15 A. No.
- 16 Q. Exide Corporation or General Battery?
- 17 A. No.
- 18 Q. Fabrication Specialists, Inc.?
- 19 A. No.
- 20 Q. Firedex, Inc.?
- 21 A. No.
- 22 Q. Fleetwood Industries?
- 23 A. Fleetwood? I used to haul for them. I've
- 24 been hauling for them for the last two years.
- 25 Q. When did you haul for them?

1 A. I only hauled for them for about maybe a
2 year -- a year and a half to two years.

3 Q. Was that during the time period Berks was
4 open?

5 A. No. That was just back in the '90s.

6 Q. What did they do?

7 A. Well, as far as I know they built cabinets
8 and stuff like that.

9 Q. Do you know how long they've been around?

10 A. No, I don't.

11 Q. Do you know who used to haul for them?

12 A. Huh?

13 Q. Do you know who used to haul for them?

14 A. Well, I think Clements hauls for them now.
15 Clements was hauling for them before we started, and
16 then we got the contract and it only lasted about a
17 year, two years at the most.

18 Q. Do you have any idea if they were around in
19 the '70s and '80s?

20 A. No. I don't even know that they even
21 existed back then or not.

22 Q. You don't know one way or the other?

23 A. No.

24 Q. Fortna Materials Handling Systems &
25 Equipment?

1 A. Who?

2 Q. Fortna Materials Handling --

3 A. Yeah, I hauled for them, but I don't haul
4 for them no more. My contract ran out last year. They
5 didn't renew it with me; they renewed it with another
6 company.

7 Q. When did you haul for them?

8 A. I hauled for them in the '90s.

9 Q. So you didn't haul for them prior to the
10 '90s?

11 A. No. I only hauled for them about a year or
12 two years and the contract ran out.

13 Q. Do you know who hauled for them prior to
14 your hauling for them?

15 A. Well, Clements is hauling now for them, I
16 think.

17 Q. How about prior to the time that you hauled
18 for them?

19 A. I don't know. I don't know -- was it
20 Clements or who.

21 Q. Do you know how long they've been around?

22 A. No.

23 Q. Fusion Coatings, Inc.?

24 A. No.

25 Q. G & S Company?

- 1 A. No.
- 2 Q. GAI-Tronics Corporation?
- 3 A. No.
- 4 Q. Georgia-Pacific Corporation?
- 5 A. No.
- 6 Q. Gillardone & Son?
- 7 A. No.
- 8 Q. Giorgio Mushroom?
- 9 A. No.
- 10 Q. Glen-Gery Corporation?
- 11 A. No.
- 12 Q. Glidden Coatings & Resins?
- 13 A. No.
- 14 Q. Glidden Company?
- 15 A. No.
- 16 Q. Glidden Paint?
- 17 A. No.
- 18 Q. Gloray Knitting Mills?
- 19 A. Who?
- 20 Q. Gloray Knitting Mills.
- 21 A. No.
- 22 Q. Golden Leasing?
- 23 A. No.
- 24 Q. GPU Service Corp.?
- 25 A. Nope.

1	1	Q.	Grace Specialty Chemicals?
	2	A.	No.
	3	Q.	Grafika Commercial?
	4	A.	No.
	5	Q.	Gulf Oil?
	6	A.	No.
	7	Q.	H & L Concrete?
	8	A.	No.
	9	Q.	Hess Oil?
10		A.	No.
11		Q.	Heyco Metals?
12		A.	No.
13		Q.	Hi-Tech Retreading?
14		A.	No.
15		Q.	Hill Sanitation Services?
16		A.	No.
17		Q.	Hines Supply?
18		A.	No.
19		Q.	Hinkle Hauling Service?
20		A.	No.
21		Q.	Hofmann Industries?
22		A.	No.
23		Q.	Horrigan Audi/Subaru?
24		A.	No.
25		Q.	Hub Fabricating?

- 1 A. No.
- 2 Q. Industrial Lift Truck?
- 3 A. No.
- 4 Q. Ingersoll-Rand?
- 5 A. No.
- 6 Q. International Foundry Supply?
- 7 A. No.
- 8 Q. J.W. Zaprany, Inc.?
- 9 A. No.
- 10 Q. K & S Auto Interiors?
- 11 A. No.
- 12 Q. K & S Texaco?
- 13 A. No.
- 14 Q. K-Mart?
- 15 A. No.
- 16 Q. Kachel Motors, Inc.?
- 17 A. No.
- 18 Q. Knight's Rental, Inc.?
- 19 A. No.
- 20 Q. Koenig Garage, Charles Koenig?
- 21 A. No.
- 22 Q. Kohl Building Products?
- 23 A. No.
- 24 Q. Kreitz Motor Express?
- 25 A. No.

- 1 Q. Kutztown Publishing Company, Inc.?
2 A. No.
3 Q. Kutztown University?
4 A. No.
5 Q. Edward or Patricia Lawrenson?
6 A. No.
7 Q. Carlos Leffler, Inc.?
8 A. No.
9 Q. Lentz Milling?
10 A. No.
11 Q. Lift, Inc.?
12 A. No.
13 Q. Lindgren Chrysler-Plymouth?
14 A. No.
15 Q. Luppold Roofing Company?
16 A. No.
17 Q. MGP, Inc. by F. Schoch?
18 A. No.
19 Q. Medlar Electric?
20 A. No.
21 Q. Bohrer-Reagan?
22 A. No.
23 Q. Mervine & Sons, Inc.?
24 A. No.
25 Q. Metropolitan Edison Company?

- 1 A. No.
- 2 Q. Mid-Atlantic Distributors, Inc.?
- 3 A. No.
- 4 Q. Miller Company?
- 5 A. No.
- 6 Q. Misco Products Corporation?
- 7 A. No.
- 8 Q. Molly Fastener?
- 9 A. No.
- 10 Q. Moyer Packing Company?
- 11 A. What?
- 12 Q. Moyer Packing Company.
- 13 A. Where are they located?
- 14 Q. Souderton, run by William Morral.
- 15 A. No.
- 16 Q. Did you ever haul for a Moyer Packing
- 17 Company anywhere?
- 18 A. No.
- 19 Q. National Sandblast Company?
- 20 A. No.
- 21 Q. George Nickels?
- 22 A. No.
- 23 Q. The Borough of Norristown?
- 24 A. No.
- 25 Q. North Side Aviation?

1 A. No.

2 Q. Parish-Dana Corporation or Dana
3 Corporation?

4 A. No.

5 Q. Paul's Arco Garage?

6 A. No.

7 Q. Pendora Tool & Die?

8 A. No.

9 Q. Thomas Stapleton or Penn State University?

10 A. Who?

11 Q. Thomas Stapleton, Penn State University or
12 the Berks Campus.

13 A. Yeah. You mean Berks Campus?

14 Q. The Berks Campus for the Penn State
15 University.

16 A. Yeah, we used to haul for them. We
17 don't -- we haven't hauled for them in -- I guess since
18 back in the '70s. When they first built the place over
19 there I used to haul it. I hauled it for the first four
20 or five years.

21 Q. And that was in the '70s?

22 A. Yeah. Whenever they built it.

23 Q. Where did you take that waste?

24 A. Out there.

25 Q. To the Berks Landfill?

1 A. That's where it went.

2 Q. And how often would you pick up from there?

3 A. I think it was twice a week; Tuesdays and

4 Fridays.

5 Q. And did they have dumpsters there?

6 A. Yeah.

7 Q. How many?

8 A. They had one, two -- when we was hauling
9 there was only three buildings out there. There was a
10 dumpster at all three buildings, one at each one.

11 Q. Three dumpsters?

12 A. Um-hum.

13 Q. And what sizes were these dumpsters?

14 A. I think they was 4-yarders. Don't hold me
15 to that. I believe there was 4-yarders out there -- 3
16 or 4's.

17 Q. Were they with lids?

18 A. Huh?

19 Q. Did they have lids?

20 A. Yeah, they all had lids on them. Yeah.

21 Q. What kind of trash or waste was in the
22 dumpster?

23 A. Just regular trash, paper and -- just
24 regular trash.

25 Q. Trash bags?

1

1 A. No. It was loose trash.

2 Q. Can you identify anything that was in
3 there?

4 A. Just paper towels and paper and that was
5 about it. Just regular paper.

6 Q. Pennsylvania DOT, Department of
7 Transportation?

8 A. No.

9 Q. Penske Truck Leasing Company?

10 A. Where?

11 Q. The Penske Truck Leasing Company.

12 A. Penske's?

13 Q. Yeah.

14 A. I used to haul for them, too.

15 Q. When did you haul for them?

16 A. Back in the '70s.

17 Q. Where did you take that waste?

18 A. All that went to Lombardo's Landfill, too.

19 Q. Did they have dumpsters?

2

20 A. Yes.

21 Q. What kind of dumpsters?

22 A. They had -- oh, I don't know how many they
23 had. They had quite a few dumpsters down there.

24 Q. More than five?

25 A. Yeah, more than five. I don't remember how

1 many I had in there.

2 Q. More than ten?

3 A. No, it was no more than ten. It wasn't ten
4 but it was more than five.

5 Q. And what size were they?

6 A. They run in all different sizes, from yards
7 and a half up to 4 yards, I guess, 3's, 2's, whatever.
8 I don't remember what we had in there. It's been awhile
9 since I hauled Penske's.

10 Q. How many years did you haul for them?

11 A. Huh?

12 Q. How many years did you haul for them?

13 A. I hauled for them from when they -- from
14 when it was Water Boys [sic] up until -- I would say at
15 least seven or eight years.

16 Q. And that started in the early '70s?

17 A. Yeah.

18 Q. What type of waste did you haul?

19 A. Just regular trash.

20 Q. Was it in trash bags or was it loose?

21 A. No. It was loose.

22 Q. Are they still around?

23 A. Who? Penske's?

24 Q. Yes.

25 A. Yeah, they're still around.

1 Q. So they lease trucks?

2 A. Huh?

3 Q. They lease trucks?

4 A. Yeah.

5 Q. Do they do anything else?

6 A. No. Just body shop and lease trucks;
7 that's it, to my knowledge. I don't know what -- you
8 know, I haven't been down there in quite a few years. I
9 don't know what they do down there.

10 Q. Does Marc Althen still run the place?

11 A. Huh?

12 Q. Marc Althen.

13 A. I never heard of him.

14 Q. How about Performance Automotive Machine?

15 A. Who?

16 Q. Performance Automotive Machine?

17 A. No.

18 Q. Did you ever haul for the City of
19 Philadelphia?

20 A. No.

21 Q. An ARA Tower at Reading Center?

22 A. No -- where at?

23 Q. In Philadelphia.

24 A. No, no, no, not in Philly. No.

25 Q. Plymouth Township Building?

1 A. No.

2 Q. Did you haul for a Reading Center in

3 Reading?

4 A. Huh?

5 Q. Did you haul for a Reading Center in

6 Reading?

7 A. No.

8 Q. Polymer Corporation?

9 A. No.

10 Q. PP&L?

11 A. No.

12 Q. Prestolite?

13 A. No.

14 Q. Progress Electric Supply?

15 A. No.

16 Q. Prospectus Association?

17 A. No.

18 Q. Rachlin Furniture?

19 A. No.

20 Q. Reading Alloys?

21 A. No.

22 Q. Reading Eagle Company?

23 A. No.

24 Q. Reading Foundry & Supply Company?

25 A. No.

1 Q. Reading Gray Iron Castings, Inc.?

2 A. No.

3 Q. Reading Technical Coatings, Inc.?

4 A. No.

5 Q. Reading Tube Corporation?

6 A. No.

7 Q. The City of Reading?

8 A. I have did some work for the City of
9 Reading. Yes.

10 Q. When did you do that hauling?

11 A. Well, I did some last year and the year
12 before.

13 Q. Any time prior to that?

14 A. Well, practically every year I do a couple
15 jobs for the city.

16 Q. Specific types of waste?

17 A. No. If they just have a house or something
18 they want -- that needs cleaning out or something, then
19 they'll take bids on it and whoever's the lowest bidder
20 gets it. You know, just clean out the house, especially
21 one they're gonna tear down. Before they tear them down
22 they have to have them cleaned out. So they give guys
23 bids and whoever -- they give guys -- you know, you have
24 to bid on them. And every now and then we get a couple
25 of them.

1 Q. Did you ever haul for them during the time
2 period Berks Landfill was open?

3 A. No, I don't think so.

4 Q. Red Cheek Division?

5 A. No.

6 Q. Red Cheek, Inc.?

7 A. No.

8 Q. Resource Technology Service?

9 A. No.

10 Q. Robesonia, the Borough of?

11 A. No.

12 Q. Rockwell International?

13 A. No.

14 Q. Did you ever haul at Four Executive Circle
15 for Roeburg?

16 A. No.

17 Q. Roffman Associates?

18 A. No.

19 Q. Furniture Associates?

20 A. No.

21 Q. Roxborough Memorial Hospital?

22 A. No.

23 Q. RTS-Resource Technology Service?

24 A. No.

25 Q. Ryder Truck?

- 1 A. No.
- 2 Q. Sammons Communications?
- 3 A. No.
- 4 Q. Savage Sales & Service?
- 5 A. No.
- 6 Q. Schlegel's Electrical Work?
- 7 A. No.
- 8 Q. Schneck, Inc.?
- 9 A. No.
- 10 Q. SCI-Graterford?
- 11 A. No.
- 12 Q. Waste Water Treatment?
- 13 A. No.
- 14 Q. Sensenig, E.Z. & Son?
- 15 A. No.
- 16 Q. Sharpoint, Inc.?
- 17 A. No.
- 18 Q. Sherwin-Williams, Inc.?
- 19 A. No.
- 20 Q. Shillington Exxon?
- 21 A. No.
- 22 Q. The Borough of Shillington?
- 23 A. No.
- 24 Q. The Borough of Sinking Spring?
- 25 A. No.

2

1 Q. Snap-On Tools Corp.?

2 A. No.

3 Q. Sonoco Fibre Drum?

4 A. No.

5 Q. Sonoco Products Company?

6 A. No.

3

7 Q. South Mountain Offset, Inc.?

8 A. No.

9 Q. The Township of Spring?

10 A. No.

11 Q. Stendig, Inc.?

12 A. No.

13 Q. Stroh's Brewery?

14 A. No.

15 Q. Sun Refining and Marketing Company?

16 A. No.

17 Q. Atlantic Richfield Company?

18 A. Atlantic?

19 Q. Atlantic Richfield Company.

20 A. Yeah, we hauled for them. If that's the
21 one out on the Kutztown -- where's it located at?

22 Q. This doesn't have an address.

23 A. We hauled for one out on -- it's not in
24 Sinking Spring.

25 Q. Near Montello Terminal?

1 A. Huh?

2 Q. Near the Montello Terminal?

3 A. Which terminal?

4 Q. Montello.

5 A. No.

6 Q. Do you have any idea where it was?

7 A. It's on the -- on the -- what road is that?

8 It's not Pricetown Road. That's Friedensburg Road. We
9 hauled that one there.

10 Q. And when did you haul for them?

11 A. We've been hauling for them for the last --
12 I would say the last eight years -- seven, eight years.

13 Q. So it was after Berks Landfill closed?

14 A. Huh?

15 Q. You didn't start hauling for them until
16 after Berks Landfill closed?

17 A. We might have hauled something out there.
18 It wouldn't have been that much.

19 Q. What did you pick up from them?

20 A. Huh?

21 Q. What did you pick up from Atlantic
22 Richfield Company?

23 A. What did I do -- what?

24 Q. What did you pick up, what type of waste?

25 A. Where did I put it?

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1 Q. What did you pick up?

2 A. Oh, just regular paper, bathroom paper and
3 office paper. That was about it.

4 Q. Did they have a dumpster?

5 A. Yeah, they have a dumpster there. It's a
6 2-yard rear-end loader.

7 Q. You didn't have a rear-end loader truck,
8 though, did you?

9 A. Yeah. That's a compactor loaded from the
10 rear.

11 Q. How many days a week did you pick up?

12 A. Once. It's either Monday or Thursday it
13 gets picked up. I don't know which one of them.

14 Q. How about Sybra, Inc.?

15 A. No.

16 Q. Temple University Hospital?

17 A. No.

18 Q. Textile Chemical Company, Inc.?

19 A. No.

20 Q. The Township of Spring?

21 A. No.

22 Q. Transtech Industries?

23 A. No.

24 Q. Turner Home Remodeling?

25 A. No.

- 1 Q. U.S. Seating Company?
- 2 A. No.
- 3 Q. Richard Valiga?
- 4 A. No.
- 5 Q. Veterans Administration Medical Center?
- 6 A. No.
- 7 Q. V.F. Factory Outlet?
- 8 A. No.
- 9 Q. Victus, Limited?
- 10 A. No.
- 11 Q. Vineland Chemical Company?
- 12 A. No.
- 13 Q. Voegele Company?
- 14 A. No.
- 15 Q. Warner-Lambert Company?
- 16 A. No.
- 17 Q. Weidner Plastics?
- 18 A. No.
- 19 Q. Wernersville, the Borough of?
- 20 A. No.
- 21 Q. Willson Safety Products?
- 22 A. No.
- 23 Q. Windsor Service, Inc.?
- 24 A. No.
- 25 Q. Wolfe Roofing & Sheet Metal?

- 1 A. No.
- 2 Q. Wyomissing Corporation?
- 3 A. No.
- 4 Q. Did you ever hear of Interstate Paper?
- 5 A. No.
- 6 Q. Beryllium Corporation?
- 7 A. No.
- 8 Q. Maier's Bakery?
- 9 A. No.
- 10 Q. Textile Chemicals?
- 11 A. No.
- 12 Q. Georgia-Pacific?
- 13 A. No.
- 14 Q. Eagle Chemical?
- 15 A. No.
- 16 Q. Berkshire Color?
- 17 A. No.
- 18 Q. Bachman Pretzels?
- 19 A. No.
- 20 Q. Brown Trailer?
- 21 A. No.
- 22 Q. Warren Stembar?
- 23 A. No.
- 24 Q. Polymer Corporation?
- 25 A. No.

- 1 Q. Wyomissing Glazed Papers?
2 A. No.
3 Q. Ajay Enterprises?
4 A. No.
5 Q. Alcoa?
6 A. No.
7 Q. Aluminum Alloys?
8 A. No.
9 Q. Boscov's Department Stores?
10 A. No.
11 Q. Conrail?
12 A. No.
13 Q. Crompton & Knowles?
14 A. No.
15 Q. G. H. Delt [sic]?
16 A. No.
17 Q. Fabrication Specialists?
18 A. No.
19 Q. W. R. Grace?
20 A. No.
21 Q. Heyco Metals?
22 A. No.
23 Q. IGA or Pathmark?
24 A. No.
25 Q. Did you ever haul for any supermarket?

1 A. Any supermarket? What do you mean? Now or
2 then?

3 Q. A grocery store.

4 A. Back in then?

5 Q. Back during the period that the Berks
6 Landfill was open.

7 A. And took it to Berks?

8 Q. Yes.

9 A. No, I didn't haul no supermarkets and take
10 it there.

11 Q. Met-Ed?

12 A. No.

13 Q. Narrow Fabric?

14 A. Narrow Fabric? I can't say I hauled there,
15 but I subcontracted out of there. It's another company
16 that had the job, and I was only subbing under them, so
17 I actually can't say I hauled for them. I hauled for
18 another company out of there.

19 Q. What other company?

20 A. I hauled for the other trash hauler. You
21 just called his name. Ernie Barkman down there. What's
22 the name that he was going under? I can't think of the
23 name. I was subcontracted out.

24 Q. It wasn't for Clements?

25 A. No, it wasn't for Clements.

1 Q. Was it Barkman, the hauler that you
2 subcontracted for?

3 A. Yeah, I subcontracted some stuff over there
4 for Barkman. This was years and years ago, though.
5 This was --

6 Q. In the '70s?

7 A. Huh?

8 Q. In the '70s?

9 A. Yeah. And it wasn't that much. I just
10 dumped a couple containers over there for about two
11 years for him.

12 Q. Over at the Berks site?

13 A. Huh?

14 Q. Over at Berks.

15 A. Yeah. He had a compactor in there, and I
16 had small containers in there.

17 Q. When you say containers, are you talking
18 about a couple of dumpsters?

19 A. Yeah, a couple dumpsters; like 2-yard
20 containers in there.

21 Q. What type of waste was in those dumpsters?

22 A. Just office paper and bathroom paper and
23 stuff like that. Some of those small builders around
24 there wouldn't make it -- couldn't get in to the
25 compactors with it and that's what we was hauling.

1 Q. Did you ever hear of a hauler called Cohing
2 from Hamburg?

3 A. Cohing?

4 Q. Yes.

5 A. Yeah, Cohing.

6 Q. Did you ever see them at the Berks
7 Landfill?

8 A. Yeah, I used to see Cohing out there.

9 Q. How often would you see them there?

10 A. I really don't know.

11 Q. What type of truck do they have?

12 A. Compactors. He used to haul the Borough of
13 West Reading. Wyomissing he used to haul. Temple he
14 used to -- I think he hauled -- not Temple -- one of
15 them boroughs out there. I guess he's still hauling
16 there.

17 Q. Do you know any other customers?

18 A. Huh?

19 Q. Do you know any of his other customers?

20 A. No.

21 Q. Vanity Fair?

22 A. Huh?

23 Q. Have you heard of Vanity Fair?

24 A. Yeah.

25 Q. Did you haul for them?

1 A. No, I never hauled for Vanity Fair.

2 Q. Do you know who did?

3 A. Clements, I think, hauled it. He had the
4 contract for them.

5 Q. King Cut Candy?

6 A. No.

7 Q. American International?

8 A. No.

9 Q. And A-Treat Soda?

10 A. Who?

11 Q. A-Treat Beverages or A-Treat Soda.

12 A. A-Treat. I heard of them, but I don't know
13 who all hauls for them.

14 Q. Swift?

15 A. Huh?

16 Q. Swift.

17 A. Threat?

18 Q. Swift.

19 A. Swift? I don't know.

20 Q. At turkey factory.

21 A. Huh?

22 Q. A turkey factory.

23 A. I don't know who hauled it.

24 (Whereupon, the Reporter marked D. Thomas
25 Exhibit No. 2 for identification, Subpoena.)

1 BY MS. HORN:

2 Q. Mr. Thomas, this is Exhibit No. 2. Do you
3 recognize that document?

4 A. (Witness reviewed document.)

5 Q. Is this the Subpoena that was served on
6 you?

7 A. I really don't know. It probably was.

8 Q. Do you recall being served with a Subpoena
9 in the last few weeks?

10 A. Yeah, I was served with a Subpoena. Yes.

11 Q. Who served you with that Subpoena?

12 A. Huh?

13 Q. Who served you with that Subpoena?

14 A. I don't know. A guy that I know of that
15 used to work in a parts store named Flynn. I don't know
16 if that's his right name or that's just what they called
17 him.

18 Q. Was it a constable, Constable Spiese?

19 A. Yeah. I knew him from -- he used to work
20 in a parts store.

21 Q. Did he advise you, or did you have a chance
22 to read the attachments?

23 A. Well, he advised me that I better show up
24 or I was going to jail.

25 Q. Did you have a chance to read the

1 attachment to the Subpoena?

2 A. Well, we looked over it.

3 Q. Did he read it to you or did you read it?

4 A. I don't think so. I don't remember.

5 Q. There are a number of areas in this
6 attachment --

7 A. You know, you're lucky that you got me to
8 sit this long with you so you can be thankful. I don't
9 usually sit this long with no one.

10 Q. I'm very, very thankful.

11 A. I usually get a lawyer or somebody else to
12 replace me. I don't -- you're lucky that you got me,
13 believe me.

14 Q. Did you have a chance to read the Request
15 for Production of Documents attached to the Subpoena?

16 A. Yeah. We knew what it was about. It's not
17 the first time that we was called on this here.

18 Q. Did you know that you were asked to produce
19 documents at this deposition?

20 A. Yes.

21 Q. And did you look for documents that
22 responded to these questions and requests that were
23 given to you?

24 A. Not really. No.

25 Q. You did not look for anything?

1 A. No.

2 Q. Did you do anything prior to this
3 deposition today to prepare for this deposition?

4 A. No. The only thing I did was come in
5 prepared to tell you what I know and the truth; that's
6 all.

7 Q. Did you talk to anybody about this?

8 A. No. No more than me and my kids sat down
9 and we talked about it, you know. That's all we did. I
10 didn't go to a lawyer or nothing because I didn't figure
11 I needed a lawyer.

12 Q. And would you say you are the person from
13 your company with the best knowledge about all the
14 questions I asked you today?

15 A. There wasn't nobody else that would know
16 nothing -- no more than what I would know. In fact,
17 they don't know as much as I know.

18 MS. HORN: I'm just going to see if I have
19 any further questions and then we should be done, unless
20 anyone else has any questions.

21 MR. ROEDER: If I could just impose upon
22 you to go through, at your own time, the documents that
23 Ms. Horn has requested, and if you find anything that is
24 responsive to that, if you would just send them to her.

25 THE WITNESS: Yeah. Okay. We'll do that.

1 BY MS. HORN:

2 Q. There's a document that's at the back of
3 your Subpoena; it's called Schedule B.

4 A. Yeah. If we can come up with anything
5 else, I will notify you.

6 MR. ROEDER: Why don't you take this as an
7 extra copy --

8 THE WITNESS: Okay.

9 MR. ROEDER: -- and that way you'll have
10 it.

11 BY MS. HORN:

12 Q. Do you have any kind of policy whereby you
13 either keep documents or throw documents away in your
14 company?

15 A. Well, yeah. We have a safe that -- not a
16 safe -- a file cabinet for all of this stuff here
17 because you never know when you're gonna have to dig
18 some of it out of there. I try to keep it for at least
19 two to three years.

20 Q. And prior to two or three years do you have
21 any documents existing?

22 A. Well, now you gotta go ask my daughter
23 'cause after that -- then she starts putting stuff away
24 after that, 'cause we could get so much of it and so
25 much stuff and -- I don't know. After three years she

1 keeps -- she keeps taxes and all the rest of the stuff.

2 Q. So you don't have a practice of actually
3 throwing things away after three years; your daughter
4 just takes it over and --

5 A. I don't know what she -- yeah, some of
6 it -- I'm not gonna lie -- some of it do [sic] get
7 throwed away, but I don't know what she's thrown away
8 and what she hasn't.

9 Q. Do you usually --

10 A. You can, more or less, go to her and get
11 what you want now.

12 Q. Which daughter is this?

13 A. Corene.

14 Q. Is her last name Thomas?

15 A. Thomas. Yeah.

16 MR. ROEDER: Maybe what you could do then
17 is give her that listing there --

18 THE WITNESS: Yeah, I'll give it to her.

19 MR. ROEDER: -- and then she can --

20 THE WITNESS: She'll look over it.

21 MR. ROEDER: -- she'll know what she has.

22 BY MS. HORN:

23 Q. Was there any liquid waste in the Penske
24 waste?

25 A. In the what?

1 Q. Penske waste.

2 A. No.

3 Q. That you know of?

4 A. Nuh-uh. Wasn't nothing down there but
5 paper and pieces of car fenders, where the people banged
6 their cars up and stuff like that; pieces of plastic
7 from cars and stuff when they wrecked them and stuff
8 like that. Just regular trash.

9 Q. Did they ever throw away cans from oil or
10 oily rags?

11 A. No, no, no, no, we didn't haul no oil. No.

12 Q. I mean the cans from oil, that oil was
13 poured out of.

14 A. No. Mostly they got their oil in 55-gallon
15 drums and stuff, and they would pump it. We didn't have
16 no oil cans.

17 Q. Did they have any kind of oily rags or
18 things that they used?

19 A. Huh?

20 Q. Did they throw away any kind of oily rags
21 or anything they would have used?

22 A. Well, now, I didn't dig through the trash
23 and find out what was in there. I can tell you what I
24 seen.

25 Q. Do you have any knowledge whether there was

5 1 any kind of night dumping going on at the Berks
2 Landfill?

3 A. I don't know. I heard rumors, but I won't
4 say.

5 Q. You heard rumors?

6 A. I'm not -- I don't know. I never dumped up
7 there at night.

8 Q. But did you ever hear about anyone else
9 dumping at night?

10 A. No. I'll withdraw that.

11 Q. Do you remember anyone who worked at the
12 Berks Landfill when you went there?

13 A. Not by name or nothing. I only knew them
14 by face -- you know, by looking at them; that was about
15 it. I know he used to have different guys up there. He
16 went through help just like I did up there; one day he
17 had a guy and the next day he didn't.

18 Q. It wasn't always the same person?

19 A. No. A couple of them stayed up there for a
20 few years, but they went through a lot of guys up there,
21 too.

22 MS. HORN: I don't have anything further.

23 (Whereupon, the deposition concluded at
24 12:55 o'clock p.m.)

25

1 I have read my deposition and it is true and
2 correct except for any corrections noted on the attached
3 Errata Sheet, which I have also signed.
4
5
6
7

8 DATE: _____
9
10
11
12 _____

13 Dick Thomas
14
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CERTIFICATE

I, Lori A. Dilks, the officer before whom the deposition of DICK THOMAS was taken, do hereby certify that DICK THOMAS, the witness whose testimony appears in the foregoing deposition, was duly sworn by me on February 20, 1996, and that the transcribed deposition of said witness is a true record of the testimony given by him; that the proceedings are herein recorded fully and accurately to the best of my ability; that I am neither attorney nor counsel for, nor related to any of the parties to the action in which this deposition was taken; and, further, that I am not a relative of any attorney or counsel employed by the parties hereto or financially interested in this action.



Lori A. Dilks, RPR

Notary Public in and for
the Commonwealth of Pennsylvania

My Commission expires July 12, 1999

BERKS COURT REPORTING SERVICE

BERKS LAND FILL CORPORATION

#348 ~~BERKS LAND FILL CORPORATION~~ Sinking Spring
READING, PA. 19608

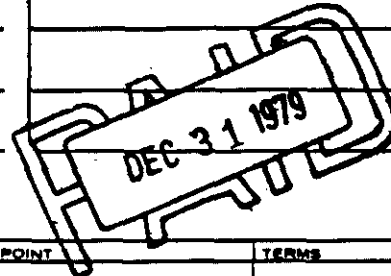
INVOICE

№ 0852

215 678-1941
215 944-7171 (If No Answer)

TO Dick Thomas
237 Rose St.
Reading, Pa. 19601

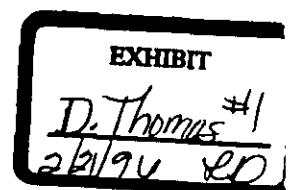
INVOICE DATE	SALESMAN
November 30, 1979	
SHIP TO	



DUMPING MONTH OF NOVEMBER

YOUR ORDER NO	DATE SHIPPED	SHIPPED VIA	FOB POINT	TERMS			
QUANTITY	DESCRIPTION			UNIT PRICE		TOTAL	
1	10 yd. packer			\$	1 40	\$	14 00
15	13 " " = 195 cu. yds.						273 00
19	16 " " = 304 " "						425 60
	18 " " = 500 " "						25 20
25	20 " " = 500 " " (1027 cu. yds. total)						700 00
7	Loads saw dust				7 50		52 50
2	Loads - Birch Craft				18 00		36 00
TOTAL AMT. DUE						\$	1,526 30
				1 1/2 Percent interest after 30 days.			

Thank You



COMPANY
009758

BT 043

United States District Court

EASTERN DISTRICT OF PENNSYLVANIA

EXHIBIT

D. Thomas #2
2/21/96 LP

THE GLIDDEN COMPANY, ET AL.

v.

**AMERICAN COLOR & CHEMICAL
CORPORATION, ET AL.**

SUBPOENA IN A CIVIL CASE

CASE NUMBER: 94-CV-3970

**TO: Dick Thomas Refuse Disposal
c/o President
237 Rose Street
Reading, PA 19601**

() YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM
DATE AND TIME

(X) YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case. See Schedule A attached.

PLACE

**Holiday Inn
2545 North Fifth Street Highway
Reading, PA 19605**

DATE AND TIME

**Tuesday, February 20, 1996
at 10:00 a.m.**

(X) YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): See Schedule B attached.

PLACE

**Holiday Inn
2545 North Fifth Street Highway
Reading, PA 19605**

DATE AND TIME

**Tuesday, February 20, 1996
at 10:00 a.m.**

() YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT) DATE

Attorney for Defendant, Brush Wellman Inc.

2/21/96

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Nancy R. Horn, Esquire

7111 Valley Green Road, Fort Washington, PA 19034 (215) 836-1886

SCHEDULE A

Pursuant to Fed. R. Civ. P. 30(b)(6), the deponent (*i.e.*, the company identified in the Subpoena accompanying this Schedule) shall designate one or more officers, directors, managing agents or other persons consenting to testify on its behalf regarding the matters set forth below, upon which examination is requested, and who shall bring with him or her to the deposition any and all documents as outlined in Schedule B attached to the Subpoena. The person(s) designated (*i.e.*, the corporate designee) of the deponent should be prepared to testify on behalf of the deponent concerning the following matters:

1. The organizational structure of the deponent, its successors, predecessors, affiliates, and/or any other entity or person acting on its behalf, from January 1, 1950 to the present.
2. The identity of each of the deponent's customers for which the deponent transported wastes to the Berks Landfill, Sinking Spring, Pennsylvania, from January 1, 1950 to January 1, 1989.
3. The identity and present location of all persons and/or entities which produced or otherwise generated waste or other substances which were ultimately disposed of at the Berks Landfill, Sinking Spring, Pennsylvania, from January 1, 1950 to the present.
4. The identity and present location of all persons and/or entities which transported waste or other substances for disposal at the Berks Landfill, Sinking Spring, Pennsylvania, from January 1, 1950 to the present, and the identity of the customers of said transporters.
5. The identity and present location of all persons and/or entities which have knowledge or information concerning the disposal, storage or transfer of waste to the Berks Landfill, Sinking Spring, Pennsylvania, and/or of the operations of the Berks Landfill, from January 1, 1950 to January 1, 1989.
6. For each of the deponent's customers, the identity of the waste (including, but not limited to, the type, content, physical state and quantity of waste) transported by the deponent to the Berks Landfill, Sinking Spring, Pennsylvania, and all other landfills located within one hundred (100) miles of the Berks Landfill, from January 1, 1950 to the present.

7. For all other individuals and/or entities which produced or generated waste which was disposed of at the Berks Landfill, the identity of the waste (including, but not limited to, the type, content, physical state and quantity of waste) disposed of at the Berks Landfill from January 1, 1950 to the present, and the dates of said disposals.
8. For each of the deponent's customers, the date(s) the deponent transported waste or other substances to the Berks Landfill, Sinking Spring, Pennsylvania, and all other landfills located within one hundred (100) miles of the Berks Landfill, from January 1, 1950 to January 1, 1989.
9. For each of the deponent's customers, the method by which the Berks Landfill was selected as the disposal site for wastes transported by the deponent from January 1, 1950 to January 1, 1989.
10. A description of the production, storage, and disposal practices (including, but not limited to, the size and type of containers used for waste) of each of the deponent's customers from January 1, 1950 to January 1, 1989.
11. A description of the production, storage, and disposal practices (including, but not limited to, the size and type of containers used for waste) of each of the other individuals and/or entities from which waste was disposed of at the Berks Landfill from January 1, 1950 to January 1, 1989.
12. A description of the routes taken by the deponent to retrieve, transport and dispose of waste from January 1, 1950 to January 1, 1986, the customers included on said routes, when and how the routes were devised, why said routes were selected and by whom selected, and the landfills used by the deponent on said routes.
13. A description of the manner in which the deponent's customers were solicited and/or obtained, the process for payment by said customers, the process for determining how the waste was to be removed and transported by the deponent, and the frequency with which the deponent dealt with said customers.
14. The substance of any responses to inquiries by the Environmental Protection Agency or any other state or federal government entity or agency including, but not limited to, all 104(e) responses and attachments and exhibits thereto, or state equivalents, pursuant to CERCLA, § 104(e), 42 U.S.C.A. § 9604(e), with respect to each of the deponent's facilities and/or the deponent's customers.

15. The identity and present location of all persons and/or entities, not otherwise identified, which used, inspected, visited, have information regarding, or had any communications with persons or entities concerning the Berks Landfill, Sinking Spring, Pennsylvania, from January 1, 1950 to the present.
16. A description of all efforts made by the deponent to provide the information requested above to the Environmental Protection Agency or any other state or federal governmental entity or agency.
17. The identity and present location of all persons having knowledge concerning the documents and information requested in Schedule B, attached to the Subpoena.

SCHEDULE B - DOCUMENTS TO BE PRODUCED

DEFINITIONS

1. "Dick Thomas Refuse Disposal" or "deponent" shall mean Dick Thomas Refuse Disposal and all departments, divisions, successors, predecessors, affiliates and offices thereof, including suburban locations of any such offices.

2. "You" or "your" shall mean "Dick Thomas Refuse Disposal" or "deponent" as defined in Definition No. 1. above, its officers, employees, agents, servants, successors, affiliates, representatives, past and present, and, unless privilege is claimed, each and every attorney, past and present.

3. "Document" shall mean the original and all copies of any and all material that is written, printed, typed, photographed, or recorded (electronically, electrically, magnetically, graphically or otherwise) or which is capable of being recorded in any form, and any tangible thing in your possession, custody or control, wherever located. Any copy containing thereon or having attached thereto any alterations, notes, comments, or other material not included in the originals or copies referred to in the preceding sentence shall be deemed a separate document within the foregoing definition. The term "document" includes, but is not limited to: (a) all contracts, agreements, letter agreements, representations, warranties, certificates and opinions; (b) all letters or other forms of correspondence or communication, including envelopes and notes, telegrams, cables, telex messages and other messages, including reports, notes, notations and memoranda of or relating to telephone conversations or conferences; (c) memoranda, reports, test results, financial statements or reports, notes, scripts, transcripts, tabulations, studies, analyses, evaluations, projections, work papers, corporate records or copies thereof, expressions

or restatements of policy, lists, comparisons, questionnaires, surveys, charts, graphs, summaries, extracts, statistical statements or records, compilations and opinions or reports of consultants; (d) all desk calendars, appointment books and diaries; (e) all minutes, records or transcripts of meetings and conferences, and lists of persons attending meetings or conferences; (f) all reports and summaries of interviews and negotiations; (g) all books, articles, press releases, magazines, newspapers, booklets, brochures, pamphlets, circulars, bulletins, notices, instructions and manuals; (h) all motion pictures and photographs (whether developed or undeveloped), tape recordings, microfilms, phonographs, tapes or other records, punch cards, magnetic tapes, discs, data cells, drums, printouts and other data compilations from which information can be obtained; and (i) drafts of any document, revisions of drafts of any document and original or preliminary notes.

4. "Person" shall mean any natural person or entity, or person as defined in §101(21) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §9601(21).

5. "Waste" or "Waste Material" shall mean any garbage, trash, refuse, sludge, raw material, or other material, including solid, liquid, semi-solid, gaseous or discarded material, whether contained or not, and whether intended for recycling or not, that results from industrial, scientific, research, mining, agricultural, commercial or other operations, including but not limited to, "hazardous substances" as defined by the Comprehensive Environmental Response, Compensation and Liability Act, as amended by the Superfund Amendments and Reauthorization Act, 42 U.S.C. §9601, *et seq.* ("CERCLA") and "solid wastes" as defined in 40 C.F.R. Part 261.

6. "Hazardous substance" shall have the meaning ascribed to that term in 42 U.S.C. §9601(14) where ever the context herein makes it appropriate.

7. "Release," "respond," "response," "remedy" and "hazardous substances" shall have the meanings ascribed to those terms in 42 U.S.C. §9601 where ever the context herein makes it appropriate.

8. The "Berks Landfill" or "Site" shall mean the landfill located in Sinking Spring, Berks County, Pennsylvania (approximately seven miles southwest of the City of Reading, Pennsylvania) and which was placed on the National Priorities List ("NPL") under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") in 1989, 54 Fed. Reg. 41020, by the United States Environmental Protection Agency. The definition shall include said property regardless of whether the property is named the Berks Landfill.

9. "Affiliates" shall mean all persons, firms, partnerships and corporations affiliated with you and operating or participating in the operation of a disposal site or otherwise having an ownership or economic interest in the site so operated, including, without limitation, the Berks Landfill in Sinking Spring, Pennsylvania.

10. "Arranger" shall mean persons who by contract, agreement or otherwise arranged for disposal or treatment of hazardous substances owned or possessed by such person or arranged with a transporter for transport for disposal or treatment, and/or successors and predecessors which by contractual agreement or otherwise owned or operated, arranged for disposal or treatment or arranged with a transporter for transport for disposal or treatment, of waste materials, chemicals, and/or hazardous substances owned or possessed by generators or

arrangers.

11. "Transporter" shall mean persons, companies, businesses, corporations or entities, and/or their predecessors and successors, that accepted waste materials, chemicals, and/or hazardous substances for transport for disposal or treatment.

12. "Your facility(ies)" shall mean that part of any property owned, controlled and/or operated by you and/or your successors, predecessors, sister or parent corporations, and/or affiliates, which is: (a) located within one hundred (100) miles of the Berks Landfill; and/or (b) from which waste materials, chemicals and/or hazardous substances were generated or arranged for disposal, or was transported, consigned, delivered, or otherwise taken, directly or indirectly, to the Berks Landfill or to any landfill within one hundred (100) miles of the Berks Landfill.

13. "Disposal" or "disposed" includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, burning, incinerating, or disposing into air, water, or land of any substance with or without a container or packaging of any kind.

INSTRUCTIONS

1. Where the context herein makes it appropriate, each singular word shall include its plural and each plural word shall include its singular. "Any" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of discovery all responses which might otherwise be construed to be outside its scope. Each of the following words includes the meaning of every other word: "each," "every," "all," and "any." The present tense shall be construed to include the past tense and the past tense shall be construed to include

the present tense. The masculine shall be construed in the generic sense.

2. Whenever the same document is called for in more than one part of this request, duplicate production of identical copies is not required. You are requested to identify, with respect to each document produced, the number or numbers of the request for production to which such document is responsive.

3. Should you believe that any document, information or identification requested by the following request for production is privileged, you shall identify such document, information or identification, the date it was issued, the general subject matter contained in the document, from whom the document, information or identification originated and to whom it was sent (including all recipients who received a copy), state the privilege asserted and the facts giving rise to such privilege, and identify all persons who have read, viewed or listened to it.

4. Whenever a request calls for documents pertaining to or referring to "the Berks Landfill" or "any landfill within one hundred (100) miles of the Berks Landfill" or referring to the disposal, transfer, transport, shipment or delivery of chemicals or wastes, including hazardous substances, "to the Berks Landfill" or "to any landfill within one hundred (100) miles of the Berks Landfill," you are requested to submit all documents relating to said landfills *and you are requested to identify, with respect to each document produced, to which landfill the document pertains.*

DOCUMENTS REQUESTED

1. All documents (including, but not limited to, organizational charts and employment records) in your possession, custody or control or which are available to you as will show the organizational structure, practices and procedures of all your facilities, whether or not presently owned by you.
2. All contracts, purchase orders, invoices, manifests, bills of lading, checks, "dump tickets," receipts, or any other documents pertaining to the arrangement for disposal, transport or disposal of waste materials by you to the Berks Landfill or to any landfill within one hundred (100) miles of the Berks Landfill.
3. All documents discussing, relating or referring to the disposal, storage, treatment, transportation, or other handling, and methods regarding same, of chemicals, raw materials, or wastes, including hazardous substances, at or from your or your customer's facilities.
4. All documents identifying the wastes transported by you to the Berks Landfill or any landfill with one hundred (100) miles of the Berks Landfill.
5. All documents which identify shipments of waste materials which you transported from any of your or your customers' facilities, or from the facilities of any other individual or entity, to the Berks Landfill or to any landfill within one hundred (100) miles of the Berks Landfill.
6. All documents which indicate the quantity of waste transported by you.
7. All documents relating to visits or inspections at the Berks Landfill.
8. All documents referencing or otherwise relating to representations, inquiries or other communications made by or to you or any other individual or entity regarding the Berks

Landfill.

9. All documents relating to whether or not you transported the wastes of others to the Berks Landfill, to any Berks County landfill, or to any landfill within one hundred (100) miles of the Berks Landfill.

10. All written communications or any documents relating to any communications between you and any federal, state or local governmental agency regarding the Berks Landfill or any landfill located within one hundred (100) miles of the Berks Landfill.

11. All 104(e) responses, including all attachments and exhibits thereto, or state equivalents, including all attachments and exhibits thereto, to the EPA or any governmental agency with respect to each of your facility(ies).

12. All documents relating to possible sources of hazardous substances found at the Berks Landfill.

13. All documents relating to the disposal of waste, including hazardous substances, by you or by any other company, person, corporation, business or entity, at the Berks Landfill.

14. All internal memoranda, corporate meeting minutes, notes, correspondence and all other documents circulated by, between or among your directors, executives, managers, personnel and employees that refer or relate to the Berks Landfill.

15. All records indicating a merger, or parent, subsidiary, sister, successor or predecessor relationship between you and any other company, person, corporation, business or entity which has taken place since January 1, 1950 and which involves any of your facilities.

16. All documents relating to the acquisition of any or all of your assets by another company, person, corporation, business or entity and all documents relating to the acquisition by

you of any or all assets of another company, person, corporation, business or entity, from January 1, 1950 to the present.

17. All documents identifying the officers, executives, directors, managers and employees of each of your facilities from January 1, 1950 to the present.

18. All documents providing information pertaining to those issues addressed in Schedule A attached to the Subpoena.

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